



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड-2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 5th September, 1966:—

BILL No. 66 OF 1966

A Bill to provide for the constitution of Panchayat Samitis and nyaya panchayats in the Union territory of Delhi and to make certain amendments in the Delhi Land Reforms Act, 1954, and the Delhi Panchayat Raj Act, 1954, and for matters incidental thereto.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

PART I

PRELIMINARY

- 5 1. (1) This Act may be called the Delhi Panchayat Samitis and Nyaya Panchayats Act, 1966. Short title, extent and commencement.
- (2) It extends only to the rural areas of the Union territory of Delhi except—

(a) such areas thereof as are included in any estate owned by the Central Government or any local authority; and

(b) such other areas thereof as are held and occupied for a public purpose or a work of public utility and declared as such under section 1 of the Delhi Land Reforms Act, 1954, by the Administrator or acquired under the Land Acquisition Act, 1894, or any other enactment relating to acquisition of land for a public purpose. 5 Delhi Act 8 of 1954. 1 of 1894.

Explanation.—In this sub-section, the expression “rural areas” has the meaning assigned to it in the Delhi Municipal Corporation Act, 1957. 10 66 of 1957.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different areas. 15

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) “Administrator” means the Administrator of Delhi appointed by the President under article 239 of the Constitution;

(b) “Block” means such area as may be declared by the Administrator under section 3 to be a Block; 20

(c) “Block Development Officer” means an officer appointed as such by the Administrator or by such other authority as may be specified by him in this behalf;

(d) “Chief Judicial Magistrate” means the Chief Judicial Magistrate of Delhi; 25

(e) “Circle” means the Circle for which a nyaya panchayat has been established under section 44;

(f) “Delhi” means the Union territory of Delhi;

(g) “Development Commissioner” means the Collector or any other officer empowered by the Administrator by notification in the Official Gazette to discharge all or any of the functions of a Development Commissioner under this Act; 30

(h) “District Judge” means the District Judge of Delhi;

(i) “Gaon Panchayat” means a Gaon Panchayat established under the Delhi Land Reforms Act, 1955; 35 Delhi Act 8 of 1954.

19 of 1966.

(j) "Metropolitan Council" means the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966;

5 (k) "nyaya panchayat" means a nyaya panchayat established for a Circle under section 44;

(l) "Panchayat Samiti" means a Panchayat Samiti constituted under section 4;

(m) "prescribed" means prescribed by rules made under this Act;

10 (n) "President" means the President of a Panchayat Samiti;

(o) "Rural Area Advisory Committee" means the Rural Area Advisory Committee established under section 107;

(p) "sarpanch" means the chairman of a nyaya panchayat;

15 (q) "Scheduled Caste" means any of the Scheduled Castes specified in Part I of the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951;

(r) "Senior Sub-Judge" means the Senior Subordinate Judge of Delhi;

20 (s) "up-sarpanch" means the vice-chairman of a nyaya panchayat;

(t) "Vice-President" means the Vice-President of a Panchayat Samiti;

(u) "village" means the village or group of villages for which a Gaon Sabha has been established;

25 (v) All words and expressions used but not defined in this Act and defined in the Delhi Panchayat Raj Act, 1954, shall have the meanings respectively assigned to them in that Act.

Delhi Act
3 of 1955.

PART II

PANCHAYAT SAMITIS

30 3. The Administrator may, by notification in the Official Gazette declare such contiguous Gaon Sabha areas as he deems fit to be a Block for the purposes of this Act and may similarly alter the limits of any Block by including therein or excluding therefrom any Gaon Sabha area. Declara-
tion of
Blocks.

Constitu-
tion of
Panchayat
Samitis
and their
incorpora-
tion.

4. (1) The Administrator may, by notification in the Official Gazette, constitute a Panchayat Samiti for a Block with effect from such date as may be specified therein.

(2) Every Panchayat Samiti shall, by the name of the Block for which it is constituted, be a body corporate having perpetual succe- 5
sion and a common seal with power, subject to the provisions of this Act and the rules made thereunder, to acquire, hold or dispose of property and to enter into contracts and may, by its corporate name, sue and be sued.

(3) If, after a Panchayat Samiti is constituted for a Block under 10
sub-section (1),—

(a) any Gaon Sabha area is included in that Block, the Panchayat Samiti for that Block shall acquire jurisdiction over such area and all rules, notifications, orders, directions and notices lawfully made or issued and in force throughout the Block 15
on the date of such inclusion, shall apply to the area so included from that date, unless the Administrator otherwise directs;

(b) any Gaon Sabha area is excluded from that Block, such area shall, as from the date of such exclusion, cease to be sub-
ject to the jurisdiction of the Panchayat Samiti of that Block 20
and to the rules, notifications, orders, directions and notices lawfully made or issued and in force therein.

(4) When a Gaon Sabha area is transferred from one Block to another, the Administrator may make such incidental and consequential orders as may be necessary for effecting the transfer. 25

Composi-
tion of
Panchayat
Samiti.

5. (1) Every Panchayat Samiti shall consist of a President to be elected in accordance with the provisions of this Act and the following other members, namely:—

(i) Pradhan of every Gaon Panchayat within the Block for which the Panchayat Samiti is constituted: 30

Provided that—

(a) if a Pradhan of any such Gaon Panchayat refuses to be a member of the Panchayat Samiti or resigns such membership, he shall, with effect from the date of such refusal or resignation and notwithstanding anything to the contrary 35
contained in any other law for the time being in force, cease to be a Pradhan of the Gaon Panchayat and the person who succeeds him in such office shall be a member of the Panchayat Samiti in his place;

(b) if at any time there is no Pradhan for a Gaon Panchayat, the Development Commissioner shall nominate a member of the Gaon Sabha to be the member of the Panchayat Samiti to represent that Gaon Sabha;

5 (c) if a Gaon Sabha area is transferred from one Block to another, the Pradhan of the Gaon Panchayat of that area shall cease to be a member of the Panchayat Samiti of that Block and shall become a member of the Panchayat Samiti of the other Block;

10 (ii) member elected to the House of the Peo 1 from the constituency of which the Block forms a part;

(iii) member elected to the Metropolitan Council from the constituency of which the Block forms a part;

15 (iv) member elected to the Municipal Corporation of Delhi from any area of which the Block forms a part;

(v) two women, and four representatives of the Scheduled Castes, all six of whom shall be elected in the prescribed manner by the members specified in clauses (i), (ii), (iii) and

20 (iv) from among persons who are members of any Gaon Sabha in the Block but who are not already members of the Panchayat Samiti.

(2) If a person who is member of the Panchayat Samiti by virtue of clause (v) of sub-section (1) also becomes a member thereof by virtue of any other clause of that sub-section, his membership
25 in the Panchayat Samiti under clause (v) shall cease.

6. (1) **The President of each Panchayat Samiti shall be elected in the prescribed manner, from amongst the members of the Gaon Sabhas in the Block for which the Panchayat Samiti is constituted, by an electoral college consisting of the members of the Gaon Panchayats within the Block and the members specified in clauses (i) to (iv) of sub-section (1) of section 5.**

Election and term of office of President and Vice-President of Panchayat Samiti and filling up of casual vacancies.

(2) There shall be a Vice-President for each Panchayat Samiti who shall be elected by the members of the Panchayat Samiti from amongst themselves in the prescribed manner.

35 (3) Notwithstanding anything contained in sub-section (1) or sub-section (2), a member nominated under item (b) of the proviso to clause (i) of sub-section (1) of section 5 or a member specified in clause (ii) of the said sub-section (1) shall not be elected as President or Vice-President.

(4) If the Pradhan of a Gaon Panchayat is elected as President of the Panchayat Samiti, he shall notwithstanding anything contained in any law for the time being in force, cease to be the Pradhan of the Gaon Panchayat from the date of such election.

(5) A vacancy in the office of the President or Vice-President shall be filled in the manner provided in sub-section (1) or, as the case may be, sub-section (2). ⁵

(6) Save as otherwise provided in this Act,—

(a) the term of office of the President or Vice-President shall be five years from the date of his election but the President or Vice-President shall cease to hold his office even before the expiration of such term on his ceasing to be a member of the Panchayat Samiti; ¹⁰

(b) when a vacancy occurs in the office of the President or Vice-President before the expiration of his term of office, the person elected as President or Vice-President in that vacancy shall hold office for the residue of the term of his predecessor. ¹⁵

Term of
office of
members
of Pan-
chayat
Simiti
and
filling
of vacan-
cies.

7. Save as otherwise provided in this Act,—

(i) (a) a member specified in clause (i) of sub-section (1) of section 5 shall hold office so long as he continues to be the Pradhan of the Gaon Panchayat; ²⁰

(b) a member nominated under item (b) of the proviso to clause (i) of sub-section (1) of section 5 shall hold office until the Pradhan of the Gaon Panchayat is elected;

(ii) a member specified in clause (ii), clause (iii) or clause (iv) of sub-section (1) of section 5 shall hold office so long as he continues to be a member of the body to which he has been elected; ²⁵

(iii) a member elected under clause (v) of sub-section (1) of section 5 shall hold office for a term of five years from the date of election. ³⁰

Disquali-
fications
for be-
coming a
member.

8. Subject to the provisions of this Act, a person shall be disqualified to be elected or nominated as a member of a Panchayat Samiti, if such person,—

- (a) is unable to read and write Hindi or Urdu, or ³⁵
- (b) is an undischarged insolvent, or
- (c) is of unsound mind and stands so declared by a competent court, or

(d) is a servant of Government or of any local authority, or

22 of 1955. (e) is convicted of any offence under the Untouchability
5 of 1898. (Offences) Act, 1955 or of an offence involving moral turpitude
5 or ordered to give security for good behaviour under section 110
of the Code of Criminal Procedure, 1898.

9. (1) Subject to the provisions of section 10, a member of a Panchayat Samiti shall cease to be such member, if he—

Disquali-
fications
for con-
tinuing as
a member.

(a) becomes subject to any of the disqualifications specified in section 8; or

10 (b) has been continuously absent from the Block for more than six months; or

(c) has absented himself from three or more consecutive meetings of the Panchayat Samiti

15 Provided that no meeting from which a member absented himself shall be counted against him under this clause if notice of that meeting was not given to him in the prescribed manner, or the meeting was adjourned without transacting any business either for want of quorum or for any other reason.

20 *Explanation.*—Where a meeting which shall not count against a member under the proviso intervenes between two meetings which count against him, those two meetings shall be regarded as being consecutive to each other for the purpose of this clause.

25 (2) (a) Where the Block Development Officer is satisfied that a person has ceased to be a member, having incurred any of the disqualifications specified in sub-section (1), he shall forthwith intimate that fact by registered post to the member concerned and report the same to the Panchayat Samiti at its next ordinary meeting.

30 (b) If such intimation relates to a disqualification under clause (c) of the said sub-section and if the member applies for restoration of his membership to the Panchayat Samiti within thirty days of the receipt by him of such intimation, he shall be deemed to have been restored to his membership and the Block Development Officer shall report the fact of such restoration to the Panchayat Samiti at its meeting :

Provided that a member shall not be so deemed to have been restored more than once during his term of office.

(c) Upon such restoration, he shall be deemed to have been restored also to the membership of any Standing Committee of the Panchayat Samiti of which he has ceased to be a member under 5 clause (c) of sub-section (1).

(d) Pending such restoration, the member shall be entitled to act as if he were not disqualified.

Authority to decide questions of disqualifications of members.

10. (1) Where intimation is given by the Block Development Officer under sub-section (2) of section 9 that a person has ceased 10 to be a member of the Panchayat Samiti, or where an allegation to that effect is made by any person or authority to the Block Development Officer and the Block Development Officer has given intimation of such allegation to the member and such member disputes the correctness of the fact so intimated or the allegation so made, 15 or where any member himself entertains any doubt whether or not he has become disqualified under that section, such member or any other member may, and the President at the request of the Panchayat Samiti shall, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case 20 may be, apply to the prescribed authority for decision.

(2) The prescribed authority, after making such inquiry as it considers necessary, shall determine whether or not such member is disqualified under section 9 and its decision shall be final.

(3) Pending such decision, the member shall be entitled to act 25 as if he were not disqualified.

Filling of certain casual vacancies.

11. Any vacancy occurring in the office of an elected member other than President or Vice-President before the expiration of his term of office shall be filled by election of another person in the prescribed manner by all the members of the Panchayat Samiti 30 including those specified in clause (v) of sub-section (1) of section 5 and the person so elected shall hold office for the residue of the term of the predecessor.

Resignation of President, Vice-President or member.

12. (1) The President, the Vice-President or an elected or nominated member may resign his office as such President, Vice-Presi- 35 dent or member by giving notice in writing addressed to the Panchayat Samiti and delivering it to the Block Development Officer.

(2) Except in a case where the person resigning delivers the notice of resignation personally to the Block Development Officer, the Block Development Officer shall, on receipt of a notice of resignation, obtain confirmation from the person concerned as to its genuineness.

(3) A resignation delivered personally or confirmed as aforesaid shall take effect on and from the date on which the notice was received by the Block Development Officer.

13. (1) For every Panchayat Samiti there shall be Standing Committees respectively for—

Standing
Commit-
tees of
Pancha-
yat Samiti.

(i) agriculture, animal husbandry, minor irrigation, power, reclamation (including soil conservation and contour bunding) and fisheries;

(ii) co-operation, thrift and small savings, cottage industries, rural housing, statistics, and prohibition of, or temperance in, the consumption of intoxicating drinks and of drugs which are injurious to health;

(iii) welfare of women and children;

(iv) social welfare;

(v) works; and

(vi) finance.

(2) In addition to the six Standing Committees referred to in sub-section (1) a Panchayat Samiti may, with the approval of the Administrator, constitute one or more Standing Committees for any matter not specified in the said sub-section.

(3) Every Standing Committee shall consist of seven members of whom the President of the Panchayat Samiti shall be *ex-officio* member and chairman and the remaining six shall be elected by the members of the Panchayat Samiti from among themselves in the prescribed manner:

Provided that if the Panchayat Samiti so decides, it may elect in the prescribed manner not more than two of the remaining six members from among persons who are members of Gaon Sabhas in the Block but are not members of the Panchayat Samiti and who

have experience and knowledge of the subjects assigned to the Standing Committee:

Provided further that in the case of the Standing Committee for the subjects specified in clause (ii) of sub-section (1), the Panchayat Samiti shall elect two of the remaining six members from among 5 persons who are members of Gaon Sabhas in the Block but are not members of the Panchayat Samiti and who have experience and knowledge of co-operation and cottage industries:

Provided also that in the case of a Standing Committee for the subject specified in clause (iii) of sub-section (1), the majority of 10 the members shall be women, and if the number of women members of the Panchayat Samiti is not adequate to secure such majority, such number of women as are required to secure such majority shall be elected from among women who are members of Gaon Sabhas in the Block but are not members of the 15 Panchayat Samiti:

Provided also that in the case of a Standing Committee for the subject specified in clause (iv) of sub-section (1), the majority of the members shall be members of the Scheduled Castes and if the number of such members of the Panchayat Samiti is not suffi- 20 cient to secure such majority the required number of such members to secure such majority shall be elected from among persons who are members of Gaon Sabhas in the Block but are not members of the Panchayat Samiti.

(4) Every Standing Committee shall, in relation to the subjects 25 assigned to it, exercise such of the powers and perform such of the functions of the Panchayat Samiti as the Administrator may, by order, **specify**.

(5) No member of a Panchayat Samiti other than its President shall be a member of more than one Standing Committee at a time: 30

Provided that the provisions of this sub-section shall not apply to a member of a Committee constituted under clause (iii) of sub-section (1) who may also become a member of any other one committee constituted under that sub-section :

Provided further that where the number of members of the 35 Panchayat Samiti is not sufficient to fill as aforesaid all the seats of every such Standing Committee, a member of a Panchayat Samiti may become a member of any two such Standing Committees.

(6) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members of the Pan- 40

chayat Samiti shall be applicable, so far as may be, to the members of any Standing Committee who are not members of the Panchayat Samiti.

(7) A member elected to a Standing Committee shall hold office for such period as may be prescribed.

(8) Any vacancy occurring in the office of an elected member of a Standing Committee before the expiration of his term of office shall be filled by election of another person in the manner prescribed and the person so elected shall hold office for the residue of the term of his predecessor.

(9) Where a person elected as a member of a Standing Committee from among the members of the Panchayat Samiti ceases to be a member of the Panchayat Samiti on any date before the expiration of his term of office as a member of the Standing Committee, he shall cease to be a member of the Standing Committee and from such date.

14. The Development Commissioner and such officers as the Administrator may, by order, specify shall have the right to speak in, and otherwise to take part in, the proceedings of any meeting of a Panchayat Samiti or any Standing Committee thereof functioning within the local limits of their respective jurisdictions but shall not by virtue of this section, be entitled to vote at any such meeting.

Right of certain officers to participate in proceedings of Panchayat Samiti or Standing Committee thereof.

15. (1) (a) The President of a Panchayat Samiti may, for purposes of consultation, invite any person having experience and specialised knowledge in any subject under the consideration of the Panchayat Samiti or a Standing Committee thereof to attend the meeting of the Panchayat Samiti, or as the case may be, the Standing Committee.

Power of President of Panchayat Samiti to invite certain persons to attend its meetings.

(b) Such person shall have the right to speak in, and otherwise to take part in, the proceedings of such meeting, but shall not, by virtue of this section, be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

Rules for
conduct
of busi-
ness at a
meeting
of Pancha-
yat Samiti
or Stand-
ing Com-
mittee
thereof.

16. Every Panchayat Samiti or a Standing Committee thereof shall, in regard to the conduct of business at its meeting (including quorum) follow such procedure as may be prescribed.

Powers
and
functions
of Pan-
chayat
Samiti.

17. (1) Subject to the provisions of this Act, the Panchayat Samiti shall exercise the powers and perform the functions speci- 5
fied in the First Schedule.

(2) It shall also exercise such other powers and perform such other functions as may be conferred on and entrusted to it by the Administrator for carrying out the purposes of this Act, but it shall not exercise the powers or perform the functions expressly 10
assigned by or under this Act or any other law to its President or to the Block Development Officer or any other authority.

(3) Every Panchayat Samiti shall endeavour to instil among the people within its jurisdiction a spirit of self help and initiative and harness their enthusiasm for raising the standard of living. 15

(4) The Panchayat Samiti may, with the previous approval of the Administrator and subject to such terms and conditions as may be prescribed, borrow money for carrying out the purposes of this Act.

Power of
Panchayat
Samiti or
its Stand-
ing Com-
mittees
to call
for docu-
ments
from
Block
Develop-
ment
Officer.

18. (a) A Panchayat Samiti or a Standing Committee thereof 20
may, at any time, require the Block Development Officer to furnish any document in his custody.

(b) The Block Development Officer shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the Panchayat Samiti or of 25
the general public and in such a case he shall refer the matter to the President whose decision thereon shall be final.

Power of
Panchayat
Samiti to
call for
informa-
tion from
village
officers.

19. A Panchayat Samiti may require any village officer of any village within the jurisdiction of the Panchayat Samiti to furnish any information required for the purposes of this Act on any 30
matter falling within such categories as may be prescribed in respect of such village or any person or property therein.

20. (1) The President of a Panchayat Samiti shall—

Powers
and
functions
of Presi-
dent and
Vice-
President.

5 (a) exercise administrative control over the Block Development Officer for the purpose of implementation of the resolutions of the Panchayat Samiti or any Standing Committee thereof;

(b) convene, preside over and conduct the meetings of the Panchayat Samiti; and

(c) have full access to all records of the Panchayat Samiti.

10 (2) In case of emergency, the President may, in consultation with the Block Development Officer, direct the execution of any work or the doing of any act which requires the sanction of the Panchayat Samiti or any of its Standing Committees and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the general public, but he shall report
15 the action taken under this sub-section and the reasons therefor to the Panchayat Samiti or the concerned Standing Committee at its next meeting:

20 Provided that he shall not direct the execution of any work or the doing of any act in contravention of any order of the Government.

(3) The Vice-President shall exercise such powers and perform such functions of the President as the President may, from time to time, delegate to him in writing.

25 (4) When the office of the President is vacant, the Vice-President of the Panchayat Samiti shall exercise the powers and perform the functions of the President until a new President is elected.

30 (5) If the President has been continuously absent from the Block for more than fifteen days or is incapacitated for more than fifteen days, his powers and functions during such absence or incapacity shall devolve on the Vice-President.

(6) (a) When the office of the President is vacant or the President has been continuously absent from the Block for more than fifteen days or is incapacitated for more than fifteen days, and there is either a vacancy in the office of the Vice-President or the Vice-
35 President has been continuously absent from the Block for more than fifteen days or is incapacitated for more than fifteen days, the powers and functions of the President shall devolve on a member of the Panchayat Samiti elected in the prescribed manner by the members of the Panchayat Samiti.

(b) The member of the Panchayat Samiti so elected shall be styled as the temporary President and he shall exercise the powers and perform the functions of the President subject to such restrictions and conditions as may be prescribed until a new President or Vice-President assumes office after his election, or until the President or the Vice-President returns to the Block or recovers from his incapacity, as the case may be.

Right of individual members to draw attention in respect of Panchayat Samiti works, etc.

21. Any member of a Panchayat Samiti may draw the attention of the President or the Block Development Officer to any neglect in the execution of Panchayat Samiti work, to any waste of Panchayat Samiti property or to the needs of any locality and may suggest any improvement which may appear desirable.

Powers and functions of Block Development Officer.

22. (1) The Block Development Officer shall—

(a) issue notices, under instructions from the President and the Chairman of Standing Committees, for meetings of the Panchayat Samiti and the Standing Committee thereof,

(b) attend all such meetings and record and maintain the minutes thereof,

(c) participate in the deliberations at such meetings,

(d) draw and disburse moneys out of the Panchayat Samiti Fund:

Provided that the President may, for reasons to be recorded in writing, stop any such payment and place the matter before the Panchayat Samiti or the Standing Committee concerned,

(e) subject to the prior approval of the Panchayat Samiti, execute contracts for and on its behalf,

(f) sign and authenticate all letters and documents for and on behalf of the Panchayat Samiti,

(g) take steps to remove any defect or irregularity brought to notice in the course of audit of the accounts of the Panchayat Samiti or pointed out in the report of the audit thereof,

(h) report without delay all cases of fraud, embezzlement, theft or loss of money or other property of the Panchayat Samiti,

(i) furnish to the Administrator copies of the resolution passed at, and proceedings of, every meeting of the Panchayat Samiti or any Standing Committee thereof and copies of or extracts from other documents required by him.

5 (j) help the Gaon Panchayats in organising essential voluntary organisations for developmental work and in drawing up their plans with a view to ensure that their production programmes conform to the broad policy laid down by the Panchayat Samiti and are designed to increase agricultural produce and
10 co-operative organisation,

(k) see that the plans and programmes approved by appropriate authorities are executed with efficiency and through extension methods,

15 (l) see that the construction programmes undertaken by the Gaon Panchayats conform to the standards laid down and are completed within the scheduled time,

(m) inspect on behalf of the Panchayat Samiti the financial position of the Gaon Panchayats with special reference to the levy of taxes and their recovery, recovery of loans advanced
20 and maintenance of regular accounts,

(n) exercise general supervision over the Gaon Panchayats in the Block for the purposes of this Act,

25 (o) exercise supervision and control over the acts of all officers and servants of the Panchayat Samiti including the staff borne on the establishment of the Panchayat Samiti and the staff working in institutions and schemes transferred by the Administrator to the Panchayat Samiti in matters of executive administration and matters relating to accounts and records of the Panchayat Samiti,

30 (p) exercise such other powers and perform such other functions as are conferred or imposed on him by or under this Act or as may be delegated to him under section 41.

(2) If for any reason the Block Development Officer is unable to attend any meeting of the Panchayat Samiti or a Standing Committee thereof, the senior most officer subordinate to him, who may
35 be present at the place of the meeting, shall attend such meeting.

Block Development Officer and other officers and staff of Panchayat Samiti to be subordinate to Panchayat Samiti.

23. The Block Development Officer and other officers and staff of a Panchayat Samiti and the staff employed in the institutions under the Panchayat Samiti shall be subordinate to the Panchayat Samiti.

Creation of posts of officers and other employees and appointments thereto.

24. (1) Every Panchayat Samiti shall have the power to create with the previous approval of the Administrator, such posts of officers and other employees as it may consider necessary for carrying out the purposes of this Act. 5

(2) The Administrator may, at any time, create such posts for any Panchayat Samiti as he may consider necessary for carrying out the purposes of this Act. 10

(3) All appointments to the posts created under sub-section (1) or sub-section (2) and transfers of the holders of such posts shall be made in the prescribed manner.

Allowances for attending meeting of Panchayat Samiti or Standing Committee thereof.

25. (1) There shall be paid to the members of a Panchayat Samiti including its President and Vice-President, for attending a meeting of the Panchayat Samiti, and to the members of a Standing Committee of a Panchayat Samiti, including its chairman for attending a meeting of such Committee, such allowances as may be prescribed. 15

(2) There shall also be paid to the President in respect of his tours in the Block such allowances as may be prescribed. 20

Panchayat Samiti Fund.

26. (1) All moneys received by a Panchayat Samiti shall constitute a fund called the Panchayat Samiti Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed. 25

(2) All moneys received by the Panchayat Samiti shall be lodged in the nearest Government treasury or with the sanction of the Administration any bank approved by him.

(3) All orders or cheques against the Panchayat Samiti Fund shall be signed by the Block Development Officer. 30

27. (1) The Panchayat Samiti Fund shall consist of—

Income
and ex-
penses of
Panchayat
Samiti.

(i) grants for meeting the liabilities transferred by the Administrator to the Panchayat Samiti;

(ii) *ad hoc* grants from the Consolidated Fund of India;

5 (iii) grants for implementing schemes transferred by the Administrator and bodies or institutions for the development of cottage and village industries such as khadi, silk, coir, handicrafts, handlooms, leather works and the like;

(iv) loans —

10 (a) advanced by the Government, or

(b) raised by the Panchayat Samiti with the previous approval of the Administrator;

(v) donations and contributions received by the Panchayat Samiti from local authorities or from the public in any
15 form;

(vi) sale proceeds of immovable and movable properties;

(vii) such other income or receipts as may from time to time be prescribed.

(2) The expenses of the Panchayat Samiti shall include the re-
20 payment of loans contracted by it, the salaries and allowances of its officers and servants, allowances to its members, any item of expenditure directed by the Administrator for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes:

25 Provided that grants referred to in clauses (i) and (iii) of subsection (1) shall be utilised in accordance with the terms and conditions of the same.

28. (1) The Block Development Officer shall in each financial year frame and place before the Panchayat Samiti on or before the
30 prescribed date a budget showing the probable receipts and expenditure during the following financial year, and the Panchayat Samiti shall adopt the budget with such modifications, if any, as it thinks fit.

Budget of
Panchayat
Samiti.

(2) The budget, as so adopted, shall be submitted by the Block
35 Development Officer on or before such date as may be prescribed, to the Administrator who shall cause it to be placed before the Rural Area Advisory Committee for consideration.

(3) The Administrator shall thereafter approve the budget with or without modification after taking into consideration the recommendations of the Rural Area Advisory Committee.

(4) If, for any reason, the budget is not adopted by the Panchayat Samiti under sub-section (1) before the date referred to in sub-section (2), the Block Development Officer shall submit the budget to the Development Commissioner who shall forward it to the Administrator after making such modifications, if any, as he thinks fit and thereafter the provisions of sub-sections (2) and (3) shall apply as they apply to a budget adopted by a Panchayat Samiti.

(5) If, in the course of a financial year, the Panchayat Samiti finds it necessary to make any alteration in the budget with regard to its receipts or items of expenditure, a revised or supplemental budget may be framed, adopted, submitted and approved, as far as may be, in the manner provided in sub-sections (1), (2), (3) and (4).

Accounts
and audit.

29. (1) The Panchayat Samiti shall keep such accounts and submit such statements to the Administrator and the Rural Area Advisory Committee as may be prescribed.

(2) (a) Accounts of receipts and expenditure of every Panchayat Samiti shall be maintained for every financial year in such form as may be prescribed.

(b) An abstract of every annual account of a Panchayat Samiti showing its income under each head of receipt, the charges for the establishment, works undertaken, the sum expended on each work, the balance, if any, remaining unexpended and such other information as may be prescribed, shall be prepared by the Panchayat Samiti in such form as may be prescribed and submitted to the Administrator not later than the fifteenth day of the second month of the next financial year.

(3) (a) All annual accounts and all accounts kept under sub-section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such person or authority as the Administrator may appoint in this behalf.

(b) The auditors so appointed shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(4) (i) The auditors may disallow every item of expenditure incurred contrary to law and surcharge the same on the person

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35 45 of 1860.

incurring or authorising the incurring of, such expenditure, and may charge against any person responsible therefor the amount of any deficiency, loss or unprofitable outlay, occasioned by the negligence or misconduct of that person or any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

Explanation.—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss or unprofitable outlay to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred, but for the negligence or misconduct of some other person.

(ii) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and a copy of such decision shall be served on the person against whom it is made in the manner laid down for the service of summons in the Code of Civil Procedure, 1908.

5 of 1908.

(iii) Any person aggrieved by any disallowance, surcharge or charge may, within fourteen days after the date of service on him of the decision of the auditors, either—

(a) make an application to the Senior Sub-Judge to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances; or

(b) in lieu of such application, prefer an appeal to the Administrator who shall pass such orders as he thinks fit.

(iv) Where an application is made to the court under sub-clause (a) of clause (iii) the auditors shall be the sole respondents thereto, and the applicant shall not make either the Administrator or any other person a party to the proceedings.

(v) From the decision of the court under sub-clause (a) of clause (iii), an appeal shall lie to the High Court.

(vi) Every sum certified by the auditors to be due from a person under this Act shall be paid by such person to the Block Development Officer within fourteen days after the date of service on him

of the decision of the auditors unless within that time such person has made an application to the court or preferred an appeal to the Administrator against the decision; and such sum, if not so paid, or such sum as the court or the Administrator declares to be due, shall be recoverable as if it were an arrear of land revenue. 5

(vii) Notwithstanding anything in this section the Administrator may at any time direct that the recovery of the whole or any part of the amount certified by the auditors or declared by the court or the Administrator to be due from any person under this Act shall be waived if in his opinion such a course is justified considering all the circumstances of the case. 10

(5) The Panchayat Samiti shall pay to the Administrator, out of its receipts such sum as may be determined by him towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the Panchayat Samiti. 15

Motion of
no confi-
dence in
President
or Vice-
President.

30. (1) A motion expressing want of confidence in the President or in the Vice-President of a Panchayat Samiti may be made in accordance with the procedure laid down in the following sub-sections.

(2) A written notice of intention to make the motion, in such form as may be prescribed, signed by not less than one-half of the total number of members of the Panchayat Samiti, together with a copy of the proposed motion shall be delivered in person, by any two of the members signing the notice, to the Development Commissioner. 20 25

(3) The Development Commissioner shall then convene a meeting for the consideration of the motion at the office of the Panchayat Samiti on a date appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him and he shall give to the members notice of not less than fifteen clear days of such meeting in such manner as may be prescribed: 30

Provided that where the holding of such meeting is stayed by an order of a court, the meeting shall be adjourned, and the Development Commissioner shall hold the adjourned meeting on a date not later than thirty days from the date on which he receives the intimation about the vacation of stay, after giving to the members notice of not less than fifteen clear days of such adjourned meeting. 35

(4) The quorum for such a meeting shall be three-fifths of the total number of members of the Panchayat Samiti and the Develop- 40

ment Commissioner shall preside at such meeting but if within half an hour after the time appointed for the meeting, the Development Commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed by him under
3 sub-section (5).

Explanation.—In the determination of three-fifths of the total number of members under this section, any fraction arrived at shall be construed as one.

(5) If the Development Commissioner is unable to preside at the
10 meeting, he shall, after recording in writing the reasons for his absence, appoint a date on which the meeting adjourned under sub-section (4) shall be held:

Provided that—

(a) the date so appointed by him shall not be later than
15 thirty days from the date fixed for the meeting under sub-section (3), and

(b) notice of not less than ten clear days of the adjourned meeting shall be given to the members.

(6) Save as provided in sub-sections (3) and (4) a meeting convened for the purpose of considering a motion under this section
20 shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section commences, the Development Commissioner shall read to the Panchayat Samiti the motion for the consideration of which the meeting has
25 been convened and declare it to be open for debate.

(8) No debate on the motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiration of two hours from the time appointed for the commencement of the
30 meeting if it is not concluded earlier and on the conclusion of the debate or on the expiration of the said period of two hours, whichever is earlier, the motion shall be put to vote.

(10) The Development Commissioner shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

35 (11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall be forwarded forthwith on the termination of the meeting by the Development Commissioner to the Administrator.

(12) If the motion is carried with the support of not less than
40 three-fifths of the total number of members of the Panchayat

Samiti, the Administrator shall, by notification in the Official Gazette, remove the President or the Vice-President, as the case may be, and the resulting vacancy in the office of President or Vice-President shall be filled in accordance with the provisions of this Part within the prescribed time.

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(13) If the motion is not carried by such a majority as aforesaid or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same President or Vice-President shall be made until after the expiration of six months from the date of the meeting.

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Power of
Adminis-
trator to
remove
President,
Vice-
President
or member
of Pan-
chayat
Samiti.

31. (1) The Administrator may, by order, remove from office the President, or Vice-President or other member of a Panchayat Samiti, after giving him an opportunity of making a representation, if he—

- (a) ceases to be a member of the Gaon Sabha, or 15
- (b) incurs any of the disqualifications specified in section 9, or
- (c) refuses to act or becomes incapable of acting, or
- (d) is, in the opinion of the Administrator, guilty of misconduct in the discharge of his duties, or 20
- (e) is, in the opinion of the Administrator, undesirable in the public interest to be continued in office, or
- (f) has, in the opinion of the Administrator, acted against the interests of the Gaon Panchayat, or
- (g) disobeys any lawful order issued by any court or any other authority under this Act or any other law for the time being in force, or 25
- (h) has caused financial loss, waste or misappropriation of any money, or property belonging to the Panchayat Samiti, by neglect or misconduct in the performance of his duties. 30

(2) Where the President, the Vice-President or a member of a Panchayat Samiti is removed under sub-section (1), the vacancy shall, subject to the provisions of sub-section (3), be filled in the manner specified in section 6 or section 11, as the case may be, within the prescribed time.

5

(3) A President, a Vice-President or a member removed from his office under this section shall not be eligible for re-election or renomination as President, Vice-President or member for a period of three years from the date of the order of removal.

(4) The Administrator shall have power to review any order issued under sub-section (1) and pending such review to stay the order of removal.

32. (1) A Panchayat Samiti may, and if so required by the Administrator shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

Joint Committee of a Panchayat Samiti and other local authority.

(2) The constitution, powers and procedure of the joint committee and the method of settling differences of opinion arising in connection with such committee between the local authorities concerned shall be such as may be prescribed.

33. (1) The Administrator may, by order in writing, cancel any resolution passed by a Panchayat Samiti or any Standing Committee thereof if, in his opinion, such resolution—

Power to cancel or suspend resolution of Panchayat Samiti.

15 (a) is not lawfully passed; or

(b) is in excess or abuse of the powers conferred by or under this Act, or any other law; or

(c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

20 (2) The Administration shall, before taking action under sub-section (1), give the Panchayat Samiti an opportunity of showing cause against the proposed order.

25 (3) If, in the opinion of the Development Commissioner, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may, by order in writing, suspend the resolution and make a report to the Administrator.

30 (4) The Administrator may, either on his own motion or on a representation made by the Panchayat Samiti aggrieved by the order made under sub-section (3), call for the record of the case in which such order was made and pass such order in relation thereto as he may deem fit but the Administrator shall not pass any order prejudicial to the Panchayat Samiti unless it is given an opportunity of showing cause against the proposed order.

Power of
Adminis-
trator
to super-
sede
Panchayat
Samiti

34. (1) If, at any time, it appears to the Administrator that a Panchayat Samiti is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Administrator may direct the Panchayat Samiti to remedy such incompetency, failure, excess or abuse or to give a satisfactory explanation therefor and if the Panchayat Samiti fails to comply with such direction, the Administrator may supersede the Panchayat Samiti for a period not exceeding one year from a specified date and reconstitute it in accordance with this Act on the expiry of that period: 5

Provided that on or before the expiry of that period the Administrator may, by notification in the Official Gazette and, for reasons to be stated therein, postpone the reconstitution of the Panchayat Samiti for a further period not exceeding six months. 15

(2) When a Panchayat Samiti is superseded under sub-section (1), the Administrator may cause all or any of the powers and functions of the Panchayat Samiti to be exercised and performed by such person or authority as the Administrator may appoint in that behalf during the period of its supersession or until the Panchayat Samiti is reconstituted in accordance with the provisions of this Act, and any person or authority so appointed may, if the Administrator so directs, receive remuneration for the services rendered from the funds of the Panchayat Samiti. 20

(3) (a) With effect from the date specified for the supersession of a Panchayat Samiti under sub-section (1) all its members including its President and Vice-President shall forthwith be deemed to have vacated their offices as such and they shall not be entitled to be restored to office after the expiration of the period of supersession. 25

(b) The members of a reconstituted Panchayat Samiti shall enter upon their offices on the date specified for its reconstitution. 30

(4) If, at any time, it appears to the Administrator that a Standing Committee of a Panchayat Samiti is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abuse any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Administrator may direct the Standing Committee to remedy such incompetency, failure, excess or abuse, or to give a satisfactory explanation therefor and if the Standing Committee fails to comply with such direction, the Administrator may dissolve the 35 40

Standing Committee and direct the Panchayat Samiti to reconstitute the Standing Committee immediately thereafter.

35. No act of a Panchayat Samiti or of a Standing Committee thereof shall be deemed to be invalid by reason only of a defect in the establishment of such Panchayat Samiti or Standing Committee, or on the ground that the President, Vice-President, chairman or any member of such Panchayat Samiti or Standing Committee was not entitled to hold, or continue in, such office by reason of any disqualification or by reason of any irregularity or illegality in his nomination, or election, as the case may be, or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, chairman or other member of such Panchayat Samiti or Standing Committee.

Acts of Panchayat Samiti not to be invalidated by informality, vacancy, etc.

36. (1) Every member of a Panchayat Samiti including the President shall before taking his seat make and subscribe before such authority as may be specified by the Administrator in this behalf an oath or affirmation according to the form set out for the purpose in the Second Schedule.

Oaths of allegiance to be taken by members.

(2) If a person takes his seat at a meeting of the Panchayat Samiti before he has complied with the requirements of sub-section (1), he shall be liable in respect of each day on which he so sits to a penalty of twenty-five rupees to be recovered as a sum due to the Panchayat Samiti.

(3) The provisions of this section shall, so far as may be, apply to the members of a Standing Committee of a Panchayat Samiti, who are not members of the Panchayat Samiti.

37. (1) Every Panchayat Samiti shall furnish to the Administrator a report on its administration for each financial year as soon as may be after the close of such year, in such form and with such details as may be prescribed.

Administration report.

(2) The report of the Panchayat Samiti shall be prepared by the Block Development Officer and the Panchayat Samiti shall consider and forward it to the Administrator with its resolution thereon.

(3) The Administrator shall cause the report to be placed before the Rural Area Advisory Committee for consideration.

Recovery
of sums
due to
Panchayat
Samiti as
arrears of
land
revenue.

38. Any sum due to, or recoverable by, a Panchayat Samiti under this Act may be recovered as if it were an arrear of land revenue.

Powers
of entry
of inspec-
ting
officers.

39. (1) Any officer or other person whom the Administrator may empower in this behalf may enter on and inspect,—

(a) any immovable property, or any work in progress under the control of any Panchayat Samiti;

(b) any institution maintained by, or under the control of, any Panchayat Samiti and any records, registers or other documents kept in such institution; and

(c) the office of any Panchayat Samiti and any records, registers or other documents kept therein.

(2) The Panchayat Samiti or the institution aforesaid shall be bound to afford to the officer or person referred to in sub-section (1) such access at all reasonable times, to its property or premises and to all documents as may, in the opinion of such officer, or person, be necessary to enable him to discharge his duties under this Act.

Power of
revision
and
review
by Admin-
istrator.

40. (1) The Administrator may, either on his own motion or on an application from any person interested, call for and examine the record of a Panchayat Samiti or of its Standing Committee or of any authority, subordinate to it in respect of any proceeding to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein; and, if, in any case, it appears to the Administrator that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, he may pass orders accordingly:

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Provided that the Administrator shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Administrator may stay the execution of any such decision or order pending the exercise of his powers under sub-section (1) in respect thereof.

30

(3) The Administrator may, on his own motion or on an application received from any person interested within ninety days of the passing

of an order under sub-section (1), review any such order, if it ~~was~~ passed by him under any mistake, whether of fact or of law, or in ignorance of any material fact and the provisions contained in the proviso to sub-section (1) and in sub-section (2) shall apply to any
5 proceeding under this sub-section as they apply to a proceeding under sub-section (1).

(4) Every application preferred under sub-section (1) or sub-section (3) shall be accompanied by a fee of fifteen rupees.

41. (1) The Administrator may, by notification in the Official
10 Gazette, delegate all or any of his powers or functions under this Part, except those conferred upon him by this section and section 42 to any person or authority subordinate to him and may, in like manner, withdraw any power or function so delegated.

Delegation of powers and power to transfer institutions and works.

(2) The exercise of any powers or functions delegated under sub-
15 section (1) shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

(3) A Panchayat Samiti or any person exercising or performing any powers or functions by or under the provisions of this Part may delegate any of its or his powers or functions in writing to any per-
20 son or authority, subject to such restrictions, limitations and conditions as may be prescribed.

(4) The Administrator may transfer any institution or work under his management or control to a Panchayat Samiti, subject to such restrictions, limitations and conditions as may be specified by
25 him:

Provided that no such transfer shall be made unless the previous consent of the Panchayat Samiti is obtained.

42. (1) The Administrator may, by notification in the Official
Gazette, make rules for carrying out the purposes of this Part.

Power to make rules.

(2) In particular and without prejudice to the generality of the
30 foregoing power, rules made under this section may provide for all or any of the following matters, namely:—

(i) the manner in which any election under this Part may be held and disputes relating thereto settled;

(ii) the manner of giving notices of meetings of a Pan-
35 chayat Samiti to members;

(iii) the term of office of a member elected to a Standing Committee of a Panchayat Samiti;

(iv) the procedure to be followed at meetings of the Panchayat Samiti or Standing Committees thereof for the conduct of business and the number of members which shall form a quorum at any meeting;

(v) the terms and conditions subject to which a Panchayat Samiti may borrow money;

(vi) the categories of matters on which information may be required by a Panchayat Samiti from any village officer;

(vii) regulating the appointments to the posts created under sub-section (1) or sub-section (2) of section 24 and the conditions of service of the holders of such posts;

(viii) (a) the allowances of members of a Panchayat Samiti including the President and Vice-President;

(b) the travelling allowances of the President of a Panchayat Samiti; 15

(c) the allowances of members of a Standing Committee of the Panchayat Samiti;

(d) the allowances of persons invited under sub-section (1) of section 15 to attend the meetings of a Panchayat Samiti or Standing Committee thereof; 20

(ix) other purposes for which the Panchayat Samiti Fund may be applied;

(x) the preparation of budget estimates of receipts and expenditure of a Panchayat Samiti;

(xi) the maintenance of the accounts of income and expenditure and the statements that are to be submitted to the Administrator or the Rural Area Advisory Committee; ex-25

(xii) the form and manner of giving notices respectively under sub-section (2) and sub-section (3) of section 30;

(xiii) the constitution of joint committee, its powers and procedure and the method of settling difference of opinion between local authorities; 30

(xiv) the form of the report of administration of a Panchayat Samiti and the details with which such report is to be furnished; 35

(xv) the procedure for making bye-laws by a Panchayat Samiti and publication thereof;

(xvi) the restrictions, limitations and conditions subject to which powers or functions may be delegated under sub-section (3) of section 41;

(xvii) any other matter which has to be or may be prescribed.

43. Subject to such rules as may be made under this Part, a Panchayat Samiti may, with the approval of the Administrator, make bye-laws for regulating its procedure, for the conduct of its business and generally for carrying out any of the purposes for which it is constituted.

PART III

NYAYA PANCHAYATS

44. (1) For the disposal of simple cases in any area to which this Act extends, the Administrator may, by notification in the Official Gazette, group two or more villages into a Circle and establish a nyaya panchayat for the Circle.

(2) In grouping two or more villages into a Circle, the Administrator shall have regard among other matters to their contiguity, the facilities of communication available and the population involved.

(3) The nyaya panchayat shall be known by such name as may be specified in the notification.

45. (1) A nyaya panchayat shall consist of the following members, namely:—

(a) two members elected in the prescribed manner by every Gaon Panchayat in the Circle;

(b) persons co-opted by the elected members as provided in sub-section (2).

(2) The following persons shall be co-opted by the elected members to a nyaya panchayat,—

(a) two women, if no woman has been elected to the nyaya panchayat, or one woman if only one woman has been elected;

(b) one person belonging to the Scheduled Castes, if no such person has been elected to the nyaya panchayat.

46. If any Gaon Panchayat fails to elect a member of a nyaya panchayat or if the elected members of a nyaya panchayat fail to co-opt a member as required by section 45, the Administrator may nominate any person who is qualified to be so elected or co-opted, as the case may be, to fill the vacancy. 5

Failure to
elect-or
co-opt.
Qualifica-
tions for
member-
ship of
nyaya
pan-
chayat.

47. No person shall be eligible for election or co-option as a member of a nyaya panchayat unless he—

(a) has completed the age of thirty years; 10

(b) is ordinarily resident, in the case of a member to be elected, within the jurisdiction of the Gaon Panchayat electing him, and, in the case of a member to be co-opted within the jurisdiction of the Circle for which a nyaya panchayat has been established; 15

(c) is able to read and write Hindi or Urdu.

Disquali-
fications
for mem-
bership.

48. (1) A person shall be disqualified for being chosen as, and for being, a member of a nyaya panchayat—

(a) if he holds any office under any Gaon Panchayat in the Circle or under the nyaya panchayat; or 20

(b) if he is of unsound mind and stands so declared by a competent court; or

(c) if he is an undischarged insolvent; or

(d) if he has been dismissed from service under the Government or a local authority for misconduct; or 25

(e) if he has been sentenced by a criminal court to imprisonment for any offence involving moral turpitude, such offence not having been pardoned; or

(f) if he is convicted of any offence under the Untouchability (Offences) Act, 1955. 30

22 of 1955.

(2) If any question arises as to whether a member of a nyaya panchayat has become subject to any of the disqualifications mentioned in sub-section (1), the question shall be referred to the prescribed authority whose decision shall be final.

Vacation
of seat.

49. (1) If a member of a nyaya panchayat— 35

(a) becomes subject to any of the disqualifications mentioned in sub-section (1) of section 48; or

(b) ceases to reside for the prescribed period within the jurisdiction of the Gaon Panchayat which elected him or in the case of a co-opted member, the Circle, or 40

(c) resigns his seat by writing under his hand addressed to the sarpanch;

his seat shall thereupon become vacant.

(2) Where a member of a Gaon Panchayat is elected or co-opted to be a member of a nyaya panchayat, his seat in the Gaon Panchayat shall thereupon become vacant.

50. (1) As nearly as possible, one-third of the members of a nyaya panchayat shall retire, as soon as may be, on the expiration of every second year in accordance with such rules as may be made in this behalf.

Term of office of members of nyaya panchayats.

(2) A person retiring under the provisions of this section shall be eligible for re-election or for being co-opted again.

51. Every member shall before assuming office make and subscribe before such authority as may be specified by the Administrator in this behalf an oath or affirmation according to the form set out for the purpose in the Third Schedule.

Oath to be taken by members of nyaya panchayats.

52. (1) The member shall elect in the prescribed manner one from among themselves to be the sarpanch of the nyaya panchayat and another to be the up-sarpanch.

Sarpanch and up-sarpanch.

(2) If a nyaya panchayat fails to elect a sarpanch or an up-sarpanch as required by sub-section (1), the prescribed authority may appoint any of the members to be the sarpanch or up-sarpanch, as the case may be, and such person shall be deemed to have been duly elected as the sarpanch or up-sarpanch.

53. (1) The sarpanch and, in his absence, the up-sarpanch shall preside over every sitting of the nyaya panchayat.

Duties of sarpanch and up-sarpanch.

(2) In the absence of the sarpanch and up-sarpanch, the sarpanch may nominate any member of the nyaya panchayat to preside over any sitting of the nyaya panchayat.

(3) The sarpanch and up-sarpanch shall perform such other functions as are specified in this Part or as may be prescribed.

54. A sarpanch or up-sarpanch—

Vacation of office of sarpanch, etc.

(a) shall vacate his office if he ceases to be a member of the nyaya panchayat;

(b) may, at any time, by writing under his hand addressed to the prescribed authority, resign his office;

(c) may be removed from office by a resolution of the nyaya panchayat passed by a majority of not less than three-fourths of the then total members of the nyaya panchayat at a meeting convened in the prescribed manner.

Casual
vacancies.

55. Any casual vacancy among the members of a nyaya panchayat shall be filled in the same manner as a regular vacancy, but the term of office of a member so chosen shall be the residue of the term of the person in whose vacancy he has been chosen. 5

Secretary
of a
nyaya
pancha-
yat.

56. (1) The Administrator shall appoint a secretary to each nyaya panchayat, but nothing herein contained shall prevent the appointment of the same person as secretary to two or more nyaya panchayats. 10

(2) A secretary of a nyaya panchayat shall assist the nyaya panchayat in the performance of its functions under this Part and shall perform such other functions as may be prescribed. 15

Civil and Criminal Jurisdiction of Nyaya Panchayat

Functions
of nyaya
pancha-
yat.

57. A nyaya panchayat shall try civil and criminal cases of the nature specified in this Part.

A.—Civil Jurisdiction

Suits
triable by
nyaya
pancha-
yats.

58. (1) The following suits are triable by a nyaya panchayat if the amount or value thereof in each case does not exceed two hundred and fifty rupees, namely:— 20

(a) suits for money due on contracts;

(b) suits for the recovery of any movable property or the value thereof; 25

(c) suits for compensation for wrongfully taking or injuring any movable property;

(d) suits for damage by cattle trespass:

Provided that parties may by writ agreement refer any suit of the nature mentioned in this sub-section to a nyaya panchayat for decision by it if the amount or value of such suit does not exceed five hundred rupees and thereupon the nyaya panchayat shall dispose of such suit in accordance with the provisions of this Act. 30

(2) Notwithstanding anything contained in sub-section (1), the Administrator may, by notification in the Official Gazette, declare that nyaya panchayats in the entire area or any part thereof to which 35

this Act applies may try all or any of the suits of the nature mentioned in that sub-section or the proviso thereto, the amount or value whereof does not exceed five hundred rupees and one thousand rupees respectively.

- 5 **59.** Notwithstanding anything mentioned in section 58, the following suits are not triable by nyaya panchayats—

Suits which may not be tried by nyaya panchayats.

- (a) suits on a balance of partnership account;
- (b) suits for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;
- 10 (c) suits for the recovery of rent of any immovable property;
- (d) suits for foreclosure, sale or redemption in the case of a mortgage of, or charge upon, immovable property or for the declaration of any other right to, or interest in, immovable property;
- 15 (e) suits by or against minors or persons of unsound mind;
- (f) suits by or against the Central or a State Government or a local authority or a public servant in his official capacity;
- (g) suits the cognizance of which by civil courts is barred under any law for the time being in force.

- 20 **60.** Every suit under this Act shall be instituted before the nyaya panchayat of the Circle in which the defendant, or any of the defendants where there are more than one, at the time of the commencement of the suit actually and voluntarily resides or carries on business or personally works for gain.

Place of suing.

- 25 **61.** No nyaya panchayat shall try any suit in respect of any matter which is pending for decision in, or has been heard and decided by, another nyaya panchayat or a court of competent jurisdiction in a former suit between the same parties or those under whom they claim.

Suits not to be entertained when matter in issue is pending or has been decided in another nyaya panchayat or court.

Incidental determination of questions as to title to immovable property, etc. not binding in other actions.

62. If in the decision of a suit it becomes necessary to decide incidentally any question as to title to any immovable property or the legal character of either of the parties to the suit or of the existence of any contract or obligation, the nyaya panchayat may decide such question, but any such decision shall not be evidence of such title, legal character, contract or obligation in any other action. 5

Limitation.

63. Every suit of the nature referred to in section 58 instituted before a nyaya panchayat after the expiry of the period specified in respect thereof in the Table below shall be dismissed although limitation has not been set up as a defence. 10

TABLE

Description of suit	Period of limitation	Time from which period begins to run
1. For money due on contract.	Three years.	When the money became due to the plaintiff. 15
2. For the recovery of movable property or the value thereof.	Three years.	When the plaintiff became entitled to the delivery of movable property.
3. For compensation for wrongfully taking or injuring any movable property.	Three years.	When the movable property was wrongfully taken when injury was done to it. 20
4. For damage by cattle trespass.	Three years.	When the damage was caused by the cattle trespass. 25

Transfer of suits.

64. On the establishment of nyaya panchayats, any court before whom a suit triable by a nyaya panchayat is pending or filed shall transfer the suit to the nyaya panchayat having jurisdiction and such nyaya panchayat shall proceed to try, hear and determine the matter as if it had been instituted therein for the first time. 30

B.—Criminal Jurisdiction

65. (1) The offences specified in the Fourth Schedule are cognizable by a nyaya panchayat if committed within the local limits of its jurisdiction.

Offences cognizable by nyaya panchayats.

(2) If the Administrator is of opinion that any offence not specified in the Fourth Schedule is of such a nature that it may be tried by nyaya panchayats or that any offence so specified should cease to be triable by them, he may by notification in the Official Gazette, amend the Fourth Schedule and, with effect from the date of such notification, any offence added to, or removed from the Fourth Schedule shall become cognizable or, as the case may be, cease to be cognizable by nyaya panchayats.

(3) Any notification issued under sub-section (2) shall not affect the trial of any criminal proceeding pending before a nyaya panchayat on the date of the notification and such proceeding may be disposed of by the nyaya panchayat as if the notification had not been issued.

66. Notwithstanding anything contained in section 65 no nyaya panchayat shall take cognizance—

Offences which may not be tried by nyaya panchayats.

(1) of any offence of theft punishable under section 379 of the Indian Penal Code in any case where the accused—

(a) has been previously convicted of an offence punishable under Chapter XVII of that Code with imprisonment of either description for a term of three years or upwards; or

(b) has been previously fined by any nyaya panchayat for theft or for dishonestly receiving stolen property; or

(c) has been ordered to execute a bond for his good behaviour in proceedings instituted under section 109 or 110 of the Code of Criminal Procedure, 1898; or

(2) of any offence under the Indian Penal Code in any case where either the complainant or the accused is a public servant or a member of the nyaya panchayat.

67. (1) Every offence shall ordinarily be enquired into and tried by the nyaya panchayat within the local limits of whose jurisdiction it was committed.

Place of trial.

(2) Notwithstanding anything contained in sub-section (1), rules made in this behalf may provide for the determination of the juris-

diction of nyaya panchayats in cases where it is uncertain in which of several Circles an offence was committed or by which nyaya panchayat an offence is to be tried.

Persons convicted or acquitted not to be tried again for the same offence.

68. No nyaya panchayat shall try a person for an offence where he has already been tried by a court of competent jurisdiction or by another nyaya panchayat and convicted or acquitted of that offence, while such conviction or acquittal remains in force.

Limitation for criminal proceedings.

69. Subject to the provisions of any law for the time being in force, no nyaya panchayat shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence was committed.

Limitation on powers of punishment of nyaya panchayats.

70. A nyaya panchayat may impose on any person convicted by it of an offence cognizable by it any sentence of fine not exceeding rupees one hundred, but it shall not be competent for a nyaya panchayat to impose on any person convicted by it a sentence of imprisonment, either substantively or in default of payment to fine.

Power to let off offender after admonition.

71. When any person is found guilty of an offence under this Act, the nyaya panchayat finding him guilty may, having regard to the circumstances of the case, including the nature of the offence and the character or antecedents of the offender, if it thinks it expedient to do so, instead of imposing any sentence of fine on the offender, let him off after due admonition.

Compounding of offences.

72. Every offence cognizable by a nyaya panchayat shall be compoundable.

Compensation for false, frivolous or vexatious complaints

73. If a nyaya panchayat is satisfied, after such enquiry as it thinks fit to make, that a complaint brought before it is false and either frivolous or vexatious, it may order the complainant to pay to the accused such compensation not exceeding rupees ten as it think fit, and such nyaya panchayat shall proceed to try, hear and determine the matter if it had been instituted therein for the first time.

Transfer of criminal proceedings.

74. On the establishment of nyaya panchayats, any court before whom a criminal proceeding triable by a nyaya panchayat is pending or filed shall transfer the criminal proceeding to the nyaya panchayat having jurisdiction and such nyaya panchayat shall proceed to try, hear and determine the matter as if it had been instituted therein for the first time.

Procedure

75. (1) Subject to such rules as may be made in this behalf, a nyaya panchayat may discharge its functions under this Act through benches constituted by the sarpanch from among its members, each bench consisting of not less than three members.

Benches of nyaya panchayats.

(2) Every such bench shall, as far as practicable, include a member from the village in which each party to a proceeding before the nyaya panchayat ordinarily resides.

76. (1) In the trial of any suit or criminal proceeding before it, the nyaya panchayat shall in general be guided by the principles of natural justice, that is to say,—

Procedure in civil and criminal cases.

(i) if a claim is made against any person or any person is accused of any offence, that person shall be informed as soon as may be of the claim or the grounds of the accusation, as the case may be;

(ii) every such person shall be given a reasonable opportunity of being heard in the matter before any decision is arrived at.

(2) In particular, a nyaya panchayat shall—

(a) in the trial of suits, follow the procedure specified in the Fifth Schedule; and

(b) in the trial of offences, follow the procedure specified in the Sixth Schedule.

77. (1) A member of a nyaya panchayat, who is directly and personally interested in any suit or criminal proceeding pending before it, shall be disqualified from trying that case.

Disqualifications for trying a case.

(2) If a party to a suit or criminal proceeding before a nyaya panchayat objects to any member thereof on the ground that he is directly and personally interested in the suit or proceeding, and the member does not thereupon withdraw from the nyaya panchayat, the grounds of objection and the reasons for the continuance of the member shall be recorded.

78. The place in which a nyaya panchayat holds its sittings shall be deemed to be a place to which the public may have access.

Nyaya panchayat to sit in public.

Power of
nyaya
pancha-
yat to
regulate
its own
procedure
in certain
matters.

79. Subject to the other provisions contained in this Act and any rules made thereunder, a nyaya panchayat shall have power to regulate its own procedure, including the fixing of the places and time of its sittings.

Duty of
nyaya
pancha-
yat to
effect set-
tlement
wherever
possible.

80. (1) In every proceeding coming before it, it shall be the duty of a nyaya panchayat in the first instance to make every endeavour to bring about an amicable settlement between the parties.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the nyaya panchayat may, for the purpose of bringing about such settlement, adjourn the proceeding and refer the matter to any person or persons nominated by the parties in this behalf with directions to report to the nyaya panchayat within a time to be specified by it as to whether a settlement can be and has been effected, and shall dispose of the proceeding conformably to such report.

Legal
practi-
tioners
excluded
from ap-
pearance.

81. No legal practitioner shall be permitted to appear, plead or act on behalf of any party before a nyaya panchayat:

Provided that a person who is arrested shall have the right to consult and be defended by a legal practitioner of his choice.

Appear-
ance by
agent.

82. Subject to the provisions of section 81, any party to a suit or criminal proceeding may appear before a nyaya panchayat either in person or by such agent duly authorised by him as the nyaya panchayat may admit as a fit person to represent him.

Difficult
cases may
be referred
by nyaya
pancha-
yats to
district or
sessions
court.

83. (1) When any nyaya panchayat is of opinion that any suit or criminal proceeding before it is of such a nature or is so difficult or important that it ought to be tried by a court or that the accused in the criminal proceeding ought to receive a punishment different in kind from or more severe than that which the nyaya panchayat is empowered to inflict, it shall stay the suit or criminal proceeding and refer the matter to the Senior Sub-Judge or the Chief Judicial Magistrate, as the case may be, for orders.

(2) The Senior Sub-Judge or the Chief Judicial Magistrate, after considering the case, may direct that the suit or criminal proceeding may be transferred for trial to such civil or criminal court as he may specify in this behalf, or may return the suit or criminal proceeding to the nyaya panchayat with suitable directions for trial.

- 5 of 1908. 84. (1) The provisions of the Code of Civil Procedure, 1908, shall not apply to any suit before a nyaya panchayat. Certain laws not to apply to nyaya panchayats.
- 5 of 1898. (2) The provisions of the Code of Criminal Procedure, 1898, shall not apply to any criminal proceeding before a nyaya panchayat.
- 7 of 1870. 5 (3) Nothing in the Court Fees Act, 1870, or the Indian Evidence
1 of 1872. Act, 1872, shall apply to any proceeding before a nyaya panchayat.

Judicial Control of Nyaya Panchayats

85. (1) If it is made to appear to the Chief Judicial Magistrate that in the interests of justice it is necessary so to do, he may on application made to him in this behalf transfer any criminal proceeding pending before a nyaya panchayat to another nyaya panchayat or to a Judicial Magistrate subordinate to him, and the nyaya panchayat or the Judicial Magistrate to whom any such criminal proceeding stands transferred, shall proceed to try, hear and determine the matter as if it had been instituted therein for the first time. Power to transfer criminal proceedings.

(2) Where any application under sub-section (1) is dismissed, the Chief Judicial Magistrate may, if he is of opinion that the application was false and either frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one hundred rupees as he may consider proper in the circumstances of the case.

86. The Senior Sub-Judge may, at any time, on his own motion or on application made by an aggrieved person within sixty days of the passing of any decree in a civil suit by a nyaya panchayat, call for and examine the record of the case for the purpose of satisfying himself as to the correctness, legality or propriety of the decree, and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as he thinks fit. Revision in civil cases.

87. The Chief Judicial Magistrate may, at any time on his own motion or on application made by an aggrieved person within sixty days of the passing of any order or sentence by a nyaya panchayat in a criminal case, call for and examine the record of the case for the purpose of satisfying himself as to the correctness, legality or propriety of the order or sentence and may, after giving a reasonable opportunity to the parties to be heard, pass such order thereon as he thinks fit. Revision in criminal cases.

Decree,
etc., not
to be
modified
if substan-
tial
justice
has been
done.

88. Notwithstanding anything contained in section 86 or section 87, no decree, order or sentence of a nyaya panchayat shall be varied or revised merely on the ground of some irregularity or illegality, if in the opinion of the Senior Sub-Judge or, as the case may be, the Chief Judicial Magistrate substantial justice has been done to the parties by the nyaya panchayat.

Power to
stay fur-
ther pro-
ceedings.

89. The Senior Sub-Judge or, as the case may be, the Chief Judicial Magistrate may, pending the disposal of any proceeding before him under this Act, direct that—

(i) the execution of any decree be stayed; or 10

(ii) further proceedings in respect of any criminal proceeding be stayed or the execution of any sentence be suspended.

Order in
revision
to be
final.

90. Any order passed in revision under the provisions of this Part shall be final and no further application for revision or review thereof shall lie. 15

Finality
of decrees,
etc., of
nyaya
pancha-
yats.

91. Except as provided in this Part, every decree, order or sentence of a nyaya panchayat shall be final.

Other provisions as to nyaya panchayats

Jurisdic-
tion of
nyaya
panchayat
to be ex-
clusive.

92. Except as provided in this Part, no civil or criminal court shall try any suit or take cognizance of any offence which is triable by a nyaya panchayat. 20

Report
from
nyaya
panchayat
in main-
tenance
cases.

93. (1) Any magistrate making an enquiry under section 488 of the Code of Criminal Procedure, 1898, may require from 5 of 1898.
the nyaya panchayat in whose Circle the wife, child, husband or parent resides, a report as to the amount of maintenance which, 25
having regard to the circumstances of the parties, should be made payable, and such report shall be evidence in such enquiry.

(2) No member of a nyaya panchayat shall be required to attend as a witness touching any matter on which the report itself is evidence, but the magistrate may call for a further report. 30

Proceed-
ing not
to be in-
validated
by reason
of absence
of some
members.

94. (1) Subject to the rules, if any, as respects quorum, a nyaya panchayat may try any civil suit or criminal proceeding notwithstanding the absence of any member.

(2) No proceeding before a nyaya panchayat shall be deemed to be invalid by reason merely that all the members of the nyaya 35
panchayat or a bench thereof, as the case may be, were not present

at any hearing of the proceeding or that some of the members were not present at all the hearings.

95. Any decision of a nyaya panchayat, if it is not unanimous, shall be in accordance with the opinion of the majority, and where
5 the members are equally divided in their opinion, the person presiding shall have a second or casting vote.

Decision of nyaya panchayat to be by majority.

96. A nyaya panchayat shall have no power to cancel, revise or alter any order passed by it, but clerical and arithmetical mistakes in any order or any decree arising therefrom due to any acci-
10 dental slip or omission may at any time be corrected by the nyaya panchayat either on its own motion or on the application of any of the parties.

Nyaya panchayat to have no power to alter decision, etc.

97. Subject to such rules as may be made in this behalf and to the payment of the prescribed fee, the records of a nyaya
15 panchayat shall be open to inspection by, and certified copies thereof shall be given to, such persons as apply for the same.

Records of nyaya panchayats to be open to inspection.

98. (1) The Administrator may authorise, in consultation with the High Court exercising jurisdiction in relation to Delhi, any judicial Officer or may appoint a special officer for the inspection of
20 nyaya panchayats and for the purpose of guiding and training them in the performance of their duties.

Inspection of nyaya panchayats and training of members thereof.

(2) Any report of such judicial or special officer shall be submitted to the prescribed authority.

18 of 1850.

99. The provisions of the Juica Officers' Protection Act, 1850,
25 shall apply to members of nyaya panchayats in the discharge of their official duties as they apply to judges and magistrates.

Application of Judicial Officers Protection Act, 1850.

45 of 1860.

5 of 1898.

100. A conviction by a nyaya panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75
of the Indian Penal Code or section 562 or section 565 of the Code
30 of Criminal Procedure, 1898.

Conviction by nyaya panchayat not a previous conviction for certain purposes.

101. (1) If, in the opinion of the prescribed authority, a member—

(a) has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct; or

Removal of members in certain cases.

35 (b) has absented himself without lawful excuse from meetings of a nyaya panchayat so as to render his continuance

in office undesirable or has otherwise neglected or refused to perform, or has become incapable of performing any of the duties as a member; or

(c) has rendered himself unfit to perform the duties of his office by reason of his active association with any political party or with any religious, racial, language, caste or communal group; or

(d) should be removed from office for any other reason in the public interest;

he may, after giving the member an opportunity of being heard and after such enquiry as he thinks fit to make, remove him from membership.

(2) Pending such enquiry, the member may be suspended from office for such period as the prescribed authority thinks fit.

(3) A member removed from office under this section shall be disqualified from being chosen as a member of any nyaya panchayat for such period as the prescribed authority may, in the order of removal or in any subsequent order passed in this behalf, specify.

Power to
dissolve
nyaya
panchayat.

102. (1) If, in the opinion of the Administrator, a nyaya panchayat has abused its powers or has made a persistent default in the performance of its duties or is for any other reason unable to discharge its functions, the Administrator may, after giving the nyaya panchayat an opportunity of furnishing an explanation, by order notified in the Official Gazette, dissolve the nyaya panchayat.

(2) Where a nyaya panchayat is dissolved, all the members thereof shall, from the date of the order, be deemed to have vacated their offices.

(3) Where a nyaya panchayat is dissolved under this section, a new nyaya panchayat shall be established as soon as practicable in the manner provided in this Part.

Legal proceedings of dissolution of nyaya panchayat.

103. (1) As from the date of dissolution of a nyaya panchayat all civil or criminal proceedings pending before the nyaya panchayat shall, on that date, stand transferred to the Court of the Senior Sub-Judge or the Court of the Chief Judicial Magistrate, as the case may be.

(2) The Senior Sub-Judge or the Chief Judicial Magistrate, shall thereafter transfer all civil or criminal proceedings, as the case may be, to any court subordinate to him and competent to try such proceedings and such court shall proceed to try, hear and

determine the matter as if every such proceeding had been instituted therein for the first time.

104. The Administrator may, by notification in the Official Gazette, direct that any of the powers which may be exercised by him under this Part except those conferred upon him by this section and section 106, may also be exercised by such officer subordinate to the Administrator and subject to such conditions as may be specified in the notification and may, in like manner, withdraw any power so delegated. Power to delegate.

105. Notwithstanding anything contained in this Part, if the Administrator is of opinion that, having regard to the conditions prevailing in any area, it is necessary or expedient so to do, he may, by notification in the Official Gazette, declare that clause (a) of sub-section (2) of section 45 or clause (c) of section 47 shall not apply thereto or shall apply thereto with such modifications as may be specified in the notification. Power to modify certain provisions.

106. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(i) the manner in which any election under this Part may be held and disputes relating thereto settled;

(ii) the manner in which and the authority by which questions relating to disqualifications of members may be decided;

(iii) the manner in which members shall periodically retire and their places filled, whether by election or co-option, as the case may be;

(iv) the authority before which members shall take the oath of office, and the allowances, if any, payable to members;

(v) the manner in which the sarpanch and up-sarpanch are to be elected and their powers and duties;

(vi) the conditions of service of the secretary and other servants of a nyaya panchayat and their duties;

(vii) the determination of the jurisdiction of a nyaya panchayat in cases where the scene of offence is uncertain or where the offence is a continuing one or consists of several acts;

(viii) the manner in which and the conditions subject to which benches of a nyaya panchayat may be formed;

(ix) the manner in which any process issued by a nyaya panchayat may be served;

(x) the procedure to be followed by nyaya panchayat in respect of matters within its jurisdiction;

(xi) the manner in which any decree or order passed by a nyaya panchayat may be executed by way of distraint and sale and the properties exempt from distraint; 5

(xii) the records and registers to be maintained by a nyaya panchayat and the manner in which they shall be maintained;

(xiii) the manner in which and the fees subject to the payment of which records of a nyaya panchayat may be inspected and certified copies obtained; 10

(xiv) the manner in which the working of a nyaya panchayat may be inspected and instructions or training given to members;

(xv) the audit of any fund placed at the disposal of a nyaya panchayat and the head of account to which any moneys realised by a nyaya panchayat shall be credited; 15

(xvi) the authority by which and the manner in which a member may be removed from office and appeals from any such order of removal;

(xvii) any other matter which has to be or may be prescribed. 20

PART IV

RURAL AREA ADVISORY COMMITTEE

Establishment of Rural Area Advisory Committee. 107. (1) With effect from such date as the Administrator may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Committee by the name of the Rural Area Advisory Committee (hereinafter referred to in this Part as the Committee). 25

(2) The Committee shall consist of the Executive Councillor in charge of rural development as the chairman and the following other members, namely:— 30

(i) the members elected to the House of the People from the constituencies of which the rural areas form a part;

(ii) the members elected to the Metropolitan Council from the constituencies situated within the rural areas; 35

(iii) the members elected to the Municipal Corporation of Delhi from the wards situated within the rural areas;

(iv) all presidents and Vice-Presidents of Panchayat Samitis.

(v) the Chairman of the Rural Areas Committee, as and when such a committee is constituted by the Municipal Corporation of Delhi.

5 *Explanation.*—In this sub-section, “Executive Councillor” means
19 of 1966. the Executive Councillor referred to in sub-section (1) of section
27 of the Delhi Administration Act, 1966.

108. The Administrator shall appoint a secretary to the Com- Secretary
mittee who shall assist the Committee in the performance of its of
10 functions and shall perform such other functions as may be pres- Committee.
cribed.

109. (1) The Committee shall advise the Administrator on all Functions
matters concerning the activities of Gaon Panchayats and Pan- of
chayat Samitis. Committee.

15 (2) In particular, it shall be the duty of the Committee—

 (a) to make recommendations to the Administrator in
relation to—

 (i) the budgets of the Panchayat Samitis;

20 (ii) the distribution among the Panchayat Samitis of the
ad hoc grants to be allotted to them;

 (iii) the co-ordination and consolidation of the plans
proposed by the Panchayat Samitis;

 (iv) the co-ordination of the work of Gaon Panchayats
and Panchayat Samitis;

25 (b) to review the progress of work done by Panchayat
Samitis;

 (c) to bring to the notice of the Administrator deficiencies
in the rural areas and make suggestions to him for the removal
of such deficiencies;

30 (d) to discharge such other functions in relation to the
rural areas as may be assigned to it by the Administrator.

110. (1) The Committee may meet as often as may be necessary Meetings.
and shall observe, subject to the provisions of sub-sections (2) and
(3), such rules of procedure in regard to transaction of business at
35 its meetings as may be prescribed:

Provided that not more than three months shall elapse between one meeting of the committee and another.

(2) The Chairman of the Committee or in his absence any member nominated by him in that behalf shall preside at any meeting of the Committee. 5

(3) All questions at a meeting of the Committee shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman of the Committee, or in his absence the person presiding, shall have a second or casting vote. 10

(4) The members of the Committee may be paid such allowances as may be prescribed for attending meetings of the Committee.

Power to
make
rules.

111. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:— 15

(a) allowances of members of the Committee;

(b) meetings of the Committee and the procedure for conducting business there at; 20

(c) conditions of service of the secretary and other servants of the Committee and their duties;

(d) any other matter which has to be or may be prescribed.

PART V

AMENDMENTS TO THE DELHI LAND REFORMS ACT, 1954 AND THE DELHI PANCHAYAT RAJ ACT, 1954. 25

Amend-
ment of
the Delhi
Land
Reforms
Act, 1954.

112. In the Delhi Land Reforms Act, 1954, in section 153, clause (b) shall be omitted.

Delhi Act
8 of 1954.

Amend-
ments of
the Delhi
Panchayat
Raj Act,
1954.

113. The Delhi Panchayat Raj Act, 1954, shall be amended in the manner and to the extent specified in the Seventh Schedule. 30

Delhi Act
3 of 1955.

114. As from the date on which section 113 is brought into force (hereinafter referred to as the said date),—

Transi-
tional
provisions.

(1) the Panchayati Adalats shall stand abolished;

5 (2) (a) all civil proceedings pending before the Panchayati Adalat shall, on the said date, stand transferred to the court of the Senior Sub-Judge;

(b) all criminal proceedings so pending shall, on the afore-said date, stand transferred to the court of the Chief Judicial Magistrate;

10 (c) the Senior Sub-Judge or the Chief Judicial Magistrate shall thereafter transfer all civil or criminal proceedings, as the case may be, to any court subordinate to him and competent to try such proceedings and such court shall proceed to try, hear and determine the matter as if every such proceeding
15 had been instituted therein for the first time;

Delhi Act
12 of
1954.
20 (3) all proceedings under sections 27 and 28 of the Delhi Land Revenue Act, 1954, pending before a Panchayati Adalat shall, on that date, stand transferred to the revenue officer competent to try such proceedings under the provisions of the said Delhi Land Revenue Act, 1954 and such revenue officer shall try, hear and determine the matter as if every such proceeding had been instituted before him for the first time;

25 (4) any decree, sentence or order passed or made before the said date by any Panchayati Adalat shall be deemed, for the purpose of execution, to have been passed or made by the civil or criminal court or the revenue officer, as the case may be, competent to pass or make such decree, sentence or order immediately after the said date;

Delhi Act 30
3 of 1955.
(5) the provisions of section 75 of the Delhi Panchayat Raj Act, 1954 relating to revision shall apply to a suit, criminal case or proceeding disposed of by a Panchayati Adalat immediately before the said date;

35 (6) where any Panchayati Adalat has by reason of its abolition under sub-section (1) ceased to have jurisdiction with respect to any suit or criminal case, any proceeding in relation to such suit or criminal case which if that Panchayati Adalat had not ceased to have jurisdiction might have been had therein, may be had in the civil or criminal court to which the pending proceedings of the Panchayati Adalat have been transferred under this section;
40

(7) nothing contained in this section shall be construed as extending the period of limitation to which any suit or criminal case or proceeding or revision may be subject and the period of limitation in respect of these cases shall be as specified in the relevant provisions of the Delhi Panchayat Raj Act, 1954 5 as if those provisions had not been repealed by this Act.

Delhi Act
3 of 1955.

PART VI

MISCELLANEOUS

Members
of Pan-
chayat
Samiti,
etc., to be
public
servants.

115. Every member of a Panchayat Samiti or a nyaya panchayat and every person employed in the discharge of any of the duties 10 or in the exercise of any of the powers vested in a Panchayat Samiti or a nyaya panchayat under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Injunction
not to be
granted
in certain
proceed-
ings.

116. No civil court shall grant any permanent or temporary 15 injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act, for the conduct of any election.

Disquali-
fications
arising out
of election
offences.

117. (1) Every person convicted of an offence punishable under Chapter IXA of the Indian Penal Code, or under any law or rule 20 45 of 1860. relating to the infringement of secrecy of voting at an election shall be disqualified from voting or for being elected in any election under this Act or for holding the office of a member of a Panchayat Samiti or a Standing Committee thereof or a member of a nyaya panchayat for a period of six years from the date of his conviction. 25

(2) The Administrator may, for reasons to be recorded, remove any disqualification under this section or reduce the period of any such disqualification.

Protection
of acts
done in
good faith.

118. No suit, prosecution or other legal proceeding shall be insti-
tuted against any Panchayat Samiti or any member or officer or 30
servant thereof or any officer or servant of a nyaya panchayat or of
Government for anything which is, in good faith, done or intended
to be done under this Act or the rules made thereunder.

Power to
remove
difficul-
ties.

119. If any difficulty arises in giving effect to the provisions of
this Act, the Administrator may, by order published in the Official 35
Gazette, make such provision not inconsistent with the purposes of
this Act which appear to him to be necessary or expedient for the
purpose of removing the difficulty.

120. Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

[See section 17 (1)]

POWERS AND FUNCTIONS OF PANCHAYAT SAMITIS

1. *Community Development*

15

The execution of all programmes under Community Development in association with Gaon Panchayats, co-operative societies, voluntary organisations and the people.

2. *Agriculture*

20 The doing of everything necessary to step up agricultural production and in particular—

- (i) multiplication and distribution of improved seeds;
- (ii) distribution of fertilisers;
- (iii) popularising of improved techniques, methods and practices and improved implements;
- (iv) achieving self-sufficiency in green manure and composting of farmyard manure;
- (v) encouraging fruit and vegetable cultivation;
- (vi) reclamation of land and conservation of soil;
- (vii) providing credit for agricultural purposes;
- (viii) propagating and assisting in plant protection methods;
- (ix) laying out demonstration plots and working out better methods of farm management;
- (x) bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks;

35

- (xi) utilising more power for agricultural purposes;
- (xii) exploiting underground water sources by sinking wells, filter points and tube wells;
- (xiii) tree planting;
- (xiv) growing of village forests, 5

3. *Animal Husbandry and Fisheries*

- (i) Upgrading local stock by introducing pedigree breeding bulls and castrating scrub bulls.
- (ii) Introducing improved breeds of cattle, sheep, pigs and poultry. 10
- (iii) Controlling contagious diseases by systematic protection.
- (iv) Introducing improved fodders and feeds.
- (v) Establishing and maintaining of artificial insemination centres, first aid centres and minor veterinary dispensaries.
- (vi) Dairying and milk supply. 15
- (vii) Educating the people about the importance of better cattle for both milk and draught.

4. *Rural Sanitation*

- (i) Providing drains and soakage pits for village and house drainage. 20
- (ii) Encouraging the use of sanitary type of latrines and utilising human waste.
- (iii) Popularising of smokeless chullas.
- (iv) Securing the co-operation of the people and the panchayats during epidemics. 25
- (v) Carrying out environmental sanitation campaigns and educating the public in (a) nutrition, (b) maternity and child health, (c) communicable diseases, and (d) family-planning and the like.

5. *Social Education*

The creation of a new outlook among the people and making them self-reliant, hard working and responsive to community action and in particular—

- (i) establishment of Information, Community and Recreation Centres;

- (ii) establishment of Youth Organisations, Mahila Mandals, Farmers Club and the like;
- (iii) establishment and popularisation of libraries;
- (iv) organisation of watch and ward;
- 5 (v) encouragement of physical and cultural activities;
- (vi) training and utilisation of the services of Gram Sewaks.

6. Co-operation

The securing of economic development along democratic lines by the application of co-operation in its infinitely varying forms and in
10 particular—

- (i) establishment of Co-operative Credit, Industrial Irrigation, Farming and Multi-purpose Societies in order to serve the maximum number of families;
- (ii) encouragement of thrift and small savings.

15

7. Cottage Industries

Development of Cottage, Village and Small Scale Industries in order to provide better employment opportunities and thereby raise the standard of living and in particular—

- 20 (i) the establishment and maintenance of production-cum-training centres;
- (ii) the improvement of the skills of artisans and craftsmen;
- (iii) the popularisation of improved implements; and
- 25 (iv) implementation of schemes for the development of Cottage, Village and Small Scale Industries financed by the Khadi and Village Industries Commission and the All-India Boards.

8. Women Welfare

The implementation of schemes specially designed for the welfare
30 of women and children and in particular the establishment of Women and Child Welfare Centres, Literacy Centres, Crafts and Dress-making Centres and the like.

9. Social Welfare

- (i) Management of hostels subsidised by Government for the
35 benefit of Scheduled Castes, Scheduled Tribes and Backward Classes.

- (ii) Implementation of Rural Housing Schemes.
- (iii) Maintenance of diseased beggars and control of vagrancy.
- (iv) Strengthening of voluntary social welfare organisations and co-ordinating their activities.
- (v) Propagation of temperance and prohibition. 5
- (vi) Removal of untouchability.

10. *Emergency Relief*

Provision of emergency relief through voluntary effort in cases of distress owing to fires, floods, epidemics and other wide-spread calamities. 10

11. *Collection of Statistics*

Collection and compilation of such statistics as may be found necessary by the Panchayat Samiti, the Rural Area Advisory Committee or the Administrator.

12. *Self-Help Programme*

15

Formulation and execution of suitable programmes for stepping up production and for raising the incomes and for the improvement of sanitation and for the provision of amenities for the people.

13. *Trusts*

Management of trusts for the furtherance of any purpose to which the Panchayat Samiti Fund may be applied. 20

THE SECOND SCHEDULE

[See section 36(1)]

FORM OF OATH

I,....., having become a member of the Panchayat Samiti do swear in the name of God that I will bear true faith and solemnly affirm allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a member of the Panchayat Samiti and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will. 25 30

THE THIRD SCHEDULE

(See section 51)

FORM OF OATH

5 I,....., having been ^{elected} co-opted to be a member
nominated
of the nyaya panchayat of.....do swear in the name of God that
solemnly affirm
10 I will bear true faith and allegiance to the Constitution of India as
by law established, that I will uphold the sovereignty and integrity
of India, that I will faithfully and conscientiously discharge my
duties as the member of nyaya panchayat and that I will do right to
all manner of people in accordance with the Constitution and the law
15 without fear or favour, affection or ill-will.

THE FOURTH SCHEDULE

[See section 65 (1) and (2)]

OFFENCES TRIABLE BY NYAYA PANCHAYATS

A.—Offences under the Indian Penal Code

20 *Explanatory note.*—The entries in the first column are not intended as definitions of the offences described in the corresponding sections of the Indian Penal Code or even as abstracts of those sections but merely as convenient references to the subject matter of the section, the number of which is given in the second column.

	Offence	Section
25	Committing affray	160
	Absconding to avoid service of summons, notice or other proceeding	172
30	Not obeying a legal order to attend at a certain place in person or by agent or departing therefrom without authority	174
	Intentionally omitting to produce a document by a person legally bound to produce or deliver such document	175
	Refusing oath when duly required to take it	178
35	Being legally bound to state truth and refusing to answer questions	179
	Refusing to sign a statement when legally required to do so	180
	Defiling the water of a public spring or reservoir	277
	Making atmosphere noxious to health	278
40	Causing danger, obstruction or injury in any public way line of navigation	283

Offence	Section
Omitting to take order with any animal so as to guard against danger to human life or of grievous hurt from such animal	289
Committing a public nuisance	290 5
Obscene acts and songs	294
Voluntarily causing hurt	323
Voluntarily causing hurt on grave and sudden provocation not intending to hurt any other than the person who gave the provocation	334 10
Wrongfully restraining any person	341
Assault or use of criminal force otherwise than on grave and sudden provocation	352
Assault or criminal force on grave provocation	358
Theft—value of stolen property not exceeding Rs. 50	379 15
Dishonestly receiving or retaining stolen property knowing it to be stolen—value of stolen property not exceeding Rs. 50	411
Mischief, where the damage or loss caused amounts to less than Rs. 50	426 20
Mischief by killing, poisoning, maiming or rendering useless any animal of the value of less than Rs. 50	428
Criminal trespass	447
Criminal intimidation	506
first part	

Appearing in a public place etc., in a state of intoxication and causing annoyance to persons 510 25

Explanation I.—The offences specified against sections 172, 174, 175, 178, 179 and 180 shall be triable by nyaya panchayats only if they have been committed in relation to a nyaya panchayat or a Gaon Panchayat.

Explanation II.—The offences specified in this list shall include abetments of, and attempts to commit, such offences. 30

B.—Offences under other Acts

The Police Act, 1861, section 34.

The Cattle Trespass Act, 1871, sections 24, 26 and 27.

The Delhi Panchayat Raj Act, 1954.

The Delhi Public Gambling Act, 1955, sections 3, 4, 7 and 12.

The Prevention of Cruelty to Animals Act, 1960, sections 11 and

THE FIFTH SCHEDULE

[See section 76 (2) (a)]

PROCEDURE FOR THE TRIAL OF SUITS

- 5 1. Any person wishing to institute a suit under this Act may make an application in that behalf in writing or orally to the sarpanch or up-sarpanch of the nyaya panchayat of the Circle in which the defendant, or any of the defendants, where there are more than one, ordinarily resides or carries on business at the time of the institution of the suit. Institution of suits.
- 10 2. Where an application for the institution of a suit is made orally, the sarpanch or up-sarpanch, as the case may be, shall cause the substance of the application to be recorded without delay and get the document signed by the plaintiff. Suit instituted orally.
- 15 3. A plaintiff may relinquish any portion of his claim in order to bring his suit within the jurisdiction of the nyaya panchayat. Plaintiff may forego claim to bring suit within jurisdiction.
4. (1) In respect of every suit instituted under this Act, the following fee shall be payable:— Fees in suits.

TABLE OF FEES

	Value of Claim	Court fee to be paid
20	Up to Rs. 50	Re. 1.
	Exceeding Rs. 50 but not exceeding Rs. 100	Rs. 2.
	Exceeding Rs. 100 but not exceeding Rs. 200	Rs. 4.
	Exceeding Rs. 200 but not exceeding Rs. 300	Rs. 6.
	Exceeding Rs. 300 but not exceeding Rs. 400	Rs. 8.
25	Exceeding Rs. 400 but not exceeding Rs. 500	Rs. 10.
	Exceeding Rs. 500 but not exceeding Rs. 600	Rs. 12.
	Exceeding Rs. 600 but not exceeding Rs. 700	Rs. 14.
	Exceeding Rs. 700 but not exceeding Rs. 800	Rs. 16.
	Exceeding Rs. 800 but not exceeding Rs. 900	Rs. 18.
30	Exceeding Rs. 900 but not exceeding Rs. 1000	Rs. 20.

(2) The fee may be paid in the form of court fee stamps and if court fee stamps are not available in the village where the nyaya panchayat sits, it may be paid in cash.

Registration of suits.

5. Every suit instituted under this Act shall be recorded without delay in a register of suits to be maintained in such form and in such manner as may be prescribed.

Suits beyond jurisdiction.

6. If at any time it appears to the nyaya panchayat that it has no jurisdiction to try a suit, it shall direct the plaintiff by order in writing to file his suit in the proper court.

Issue of summons.

7. When a suit has been duly instituted, the nyaya panchayat may cause a written summons in the prescribed form to be served on the defendant requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff to attend and produce his evidence at such time and place.

Summons how to be served.

8. Subject to the provisions contained in rule 10, every summons issued under rule 7 shall be served in the prescribed manner personally on the defendant whose signature shall be taken in token of service.

Substituted service.

9. If the defendant cannot be found and the nyaya panchayat is satisfied that he is evading service or if he refuses to take the summons, the nyaya panchayat may order service to be made on an adult male member of his family residing with him or by affixing a copy thereof upon some conspicuous portion of the house in which he ordinarily resides.

Service when defendant is outside Jurisdiction

10. (1) If a defendant is at the time of the issue of the summons outside the Circle for which the nyaya panchayat is established, the summons may be served by registered post addressed to the defendant at the place where the defendant for the time being resides.

(2) An acknowledgement purporting to be signed by the defendant or an endorsement by a postal employee to the effect that the defendant refused to take delivery may be deemed to be *prima facie* proof of service.

30

Disposal of suit when plaintiff fails to appear.

11. If the plaintiff fails to appear on the date fixed for hearing or, if in the opinion of the nyaya panchayat, he shows negligence in prosecuting his suit, the nyaya panchayat may dismiss the suit, unless the defendant admits all or any part of the claim, in which case the suit shall be decreed accordingly.

35

Restoration of suit dismissed for default of plaintiff.

12. Any suit dismissed under rule 11 may, on application made by the plaintiff within fifteen days of such dismissal, and on payment of rupee one, be restored, if the plaintiff satisfies the nyaya panchayat that he was prevented by any sufficient cause from appearing or that he was not guilty of any negligence in prosecuting his suit.

40

13. If the defendant fails to appear and the nyaya panchayat is satisfied that he has received notice of the date fixed for the hearing or that he is intentionally evading service, the nyaya panchayat may proceed *ex parte*.

Disposal of suit when defendant fails to appear.

5 14. (1) Any decree passed *part* against a defendant may on application made by the defendant to the nyaya panchayat by which the decree was passed within fifteen days from the date of the decree, or, when the summons was not duly served, within fifteen days from the date the defendant had knowledge of the decree, and on pay-
10 ment of rupee one in either case, be set aside if he satisfies the nyaya panchayat that the summons was not duly served or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, and the nyaya panchayat shall then appoint a day for proceeding with the suit.

Re-opening of *ex parte* decrees.

15 (2) No decree shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party.

15 A suit may be disposed of wholly or in part on the basis of an oath or by any legal agreement, settlement, compromise or satisfaction between the parties, and in any such case the nyaya
20 panchayat shall order the agreement, settlement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith in so far as it relates to the suit.

Compromise of suits

16. Where a suit has not been disposed of under rule 15, it shall be the duty of the nyaya panchayat to try the suit as expeditiously
25 as possible, but when, in its opinion, it is unavoidable or necessary to a just and equitable decision of the suit, it shall have power to adjourn the hearing from time to time.

Suits to be disposed of expeditiously.

17. (1) At the hearing of any suit, parties shall produce their own witnesses, but for the proper disposal thereof, a nyaya panchayat
30 may, subject to such rules as may be made under this Act, have power to issue summons, to require the attendance of any person either to give evidence or to produce a document, to enter upon any land, or to do such other act as it may consider necessary.

Power to summon witnesses

35 (2) Any person receiving a summons or other process shall be bound to comply with the same.

18. No woman who is not accustomed to appear in public and no person who is exempted from personal appearance in any court under section 133 of the Code of Civil Procedure, 1908, shall be required to appear before a nyaya panchayat in person but their

Exemption from personal appearance.

statements may be obtained in such manner and on payment of such fee as may be prescribed.

Evidence to be on oath and a brief memorandum to be kept.

19. Evidence given orally before the nyaya panchayat shall be on oath, and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record in the prescribed manner. 5

Decision on suit.

20. The nyaya panchayat shall have power to ascertain the facts of every case by all lawful means in its power, and when all the facts have been ascertained, the parties heard and the evidence considered, the nyaya panchayat shall pass such order in writing as may seem just and equitable, and such order shall state the finding and a brief statement of the reasons therefor. 10

Interest on decretal amounts and payment by instalments.

21. In suits for money a nyaya panchayat may direct payment of interest on the sum decreed at a rate not exceeding six per cent. per annum from the date of the decree until the date of payment, and may also direct that decretal amount be paid by instalments. 15

Authentication of decrees, orders, etc.

22. All orders and decrees shall be dated on the day on which they are passed, and the decrees and orders and all receipts and copies issued by it shall be authenticated by the nyaya panchayat in such manner as may be prescribed. 20

Satisfaction or adjustment of decree to be recorded.

23. If, on the application of the decree-holder or judgement-debtor, the nyaya panchayat, after inquiry, finds that the decree has been satisfied or adjusted, whether wholly or in part, the nyaya panchayat shall record such satisfaction or adjustment in the prescribed register.

Execution of decrees for money.

24. (1) If a decree for money remains unsatisfied for one month after the due date or any amount payable under it remains unpaid for one month after the date when it fell due, and the decree-holder applies to the nyaya panchayat for execution within one year from such date paying the prescribed fee, the nyaya panchayat shall recover the same by distraint and sale of the defaulter's movable property. 25 30

(2) The power of distraint and sale shall be subject to such rules as may be made with respect to properties exempt from attachment, the manner of its exercise and other matters relevant thereto.

(3) If, after such distraint and sale the amount of the decree is not fully recovered the nyaya panchayat shall certify accordingly to the Collector and on receipt of the certificate the Collector shall 35

proceed to recover the amount in the same manner as an arrear of land revenue and remit the amount so recovered to the nyaya panchayat.

25. If a decree for the delivery of any specific movable property remains unsatisfied for one month after the due date and the decree-holder applies to the nyaya panchayat for execution within one year from such date paying the prescribed fee, the nyaya panchayat may enforce the decree by the actual seizure of the property and its delivery to the decree-holder or if the seizure is not practicable, have it executed by enforcing payment of the sum decreed as an alternative in the manner provided in rule 24.

Execution of decrees for specific movable property.

THE SIXTH SCHEDULE

[See section 76(2) (b)]

PROCEDURE FOR THE TRIAL OF OFFENCES

- 15 1. Any person wishing to institute a criminal proceeding before a nyaya panchayat may make a complaint orally or in writing to the sarpanch or up-sarpanch of the nyaya panchayat of the Circle in which the offence has been committed.
- 20 2. When a complaint is made orally, the sarpanch or up-sarpanch, as the case may be, shall draw up a statement regarding the name of the complainant, the name of the person against whom the complaint is made, the nature of the offence and such other particulars as may be prescribed, and the signature of the complainant shall be taken thereon.
- 25 3. (1) On every complaint a fee of one rupee shall be payable. (2) The fee may be paid in the form of court fee stamps and if court fee stamps are not available in the village where the nyaya panchayat sits, it may be paid in cash.
- 30 4. Every complaint made under this Act shall be recorded without delay in a register to be maintained in such form and in such manner as may be prescribed.
5. If at any time it appears to the nyaya panchayat that it has no jurisdiction to try the offence or that there is no sufficient ground for proceeding with the complaint, it shall dismiss the complaint.
- 35 6. The nyaya panchayat may, after examining the complainant and after such further inquiry, if any, as it thinks fit to make, cause a written summons in the prescribed form to be served on the accused

Complaints in criminal proceedings.

Action on oral complaints.

Fee on complaints.

Register of complaints.

Complaints beyond jurisdiction.

Issue of summons.

requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the complainant to attend and produce his evidence at such time and place.

Service of
summons.

7. Every summons issued under rule 6 shall be served in the prescribed manner personally on the accused whose signature shall be taken in token of service. 5

Dismissal
of com-
plaint for
want of
prosecu-
tion.

8. If the complainant fails to appear on the date fixed for hearing or, in the opinion of the nyaya panchayat he has shown negligence in prosecuting the complaint, the nyaya panchayat may dismiss the complaint. 10

Restora-
tion of
complaint.

9. If the complainant satisfies the nyaya panchayat that his absence was due to some unavoidable cause and that he could not notify the nyaya panchayat thereof in time or that he was not negligent the nyaya panchayat may restore the proceeding, but no such restoration shall be made without giving notice to the accused if the order for dismissal had been passed after the appearance of the accused before the nyaya panchayat. 15

Procedure
where
accused
cannot be
found or
fails to
appear.

10. If the accused cannot be found or fails to appear on the date fixed for hearing, the nyaya panchayat shall report the fact to the nearest magistrate. 20

Magistrate
to secure
attendance
of accused
before
nyaya
panchayat.

11. (1) The magistrate shall thereupon issue a warrant for the arrest of the accused and shall direct, by endorsement on the warrant, that if such person executes a bond with sufficient sureties for his attendance before himself in the manner provided by section 76 of the Code of Criminal Procedure, 1898, he shall be released from custody. 25 5 of 1898.

(2) When the accused appears before the magistrate he shall direct him to execute a bond with or without sureties to appear before the nyaya panchayat on such date as he may direct and thereafter to continue to appear before the nyaya panchayat as directed by it. 30

(3) On his failure to execute such bond the magistrate shall order that the accused be produced in custody before the nyaya panchayat on such date as he may direct. 35

5 of 1898.

12. If the accused fails to appear before the nyaya panchayat after executing a bond under sub-rule (2) of rule 11, the nyaya panchayat shall report the fact to the magistrate before whom the bond was executed and such magistrate shall proceed in accordance with the provisions of Chapter XLII of the Code of Criminal Procedure, 1898.

Procedure where accused fails to appear even after executing bond.

13. (1) When a complaint is not compounded, the nyaya panchayat shall receive such evidence as may be produced and may call for such further evidence as in its opinion may be necessary for the proper determination of the proceeding or may enter upon any land for inspection or do any other act which it may consider necessary.

Power to receive evidence.

(2) Any person receiving a summons or other process shall be bound to comply with the same.

15 (3) The provisions of rule 18 in the Fifth Schedule shall apply to criminal proceedings as they apply to suits.

14. (1) Evidence given orally by witnesses before the nyaya panchayat shall be on oath, and a brief memorandum of the substance of what each person deposes shall be written and kept as part of the record in the prescribed manner.

Procedure in trial.

(2) The nyaya panchayat need not frame a formal charge but the plea of the accused and his statement, if any, shall be recorded, but no oath shall be administered to him.

25 (3) The nyaya panchayat shall have power to ascertain the facts of every case by all lawful means in its power, and when all the facts have been ascertained, the parties heard and the evidence considered, the nyaya panchayat shall record its finding, and in the case of a conviction, a brief statement of the reasons therefor and the amount of the fine imposed.

30 15. When a nyaya panchayat imposes a fine, it may, when passing the order, direct that the whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

Power to direct payment of compensation out of fine.

False,
frivolous
or vexa-
tious com-
plaints.

16. (1) If a nyaya panchayat considers that a complaint is false and either frivolous or vexatious it may call upon the complainant to show cause why he should not pay compensation to the accused.

(2) The nyaya panchayat may, after considering any cause which the complainant may show, if it is satisfied that the complaint was false, frivolous or vexatious, for reasons to be recorded, direct such compensation and exceeding fifty rupees as may be specified by the nyaya panchayat shall be paid by the complainant to the accused, and any such compensation may be recovered as if it were a fine imposed by the nyaya panchayat.

Recovery
of fines.

17. Where a nyaya panchayat imposes a fine and such fine is not paid as required, it shall record an order specifying the amount of the fine imposed and that it has not been paid and shall forward the same to the nearest magistrate, who shall proceed to execute it as if it were an order passed by himself, and such magistrate may sentence the accused to imprisonment in default of payment.

THE SEVENTH SCHEDULE

(See section 113)

AMENDMENTS TO THE DELHI PANCHAYAT RAJ ACT, 1954

1. In section 2,—

(a) clauses (6), (7), (14), (19), (20) and (22) shall be omitted;

(b) for clause (11), the following clauses shall be substituted, namely:—

“(11) “nyaya panchayat” means a nyaya panchayat established under section 44 of the Delhi Panchayat Samitis and Nyaya Panchayats Act, 1966;

(11A) “Panchayat Samiti” means a panchayat samiti constituted under section 4 of the Delhi Panchayat Samitis and Nyaya Panchayats Act, 1966;”.

2. After section 15, the following sections shall be inserted, namely:—

“15A. No person shall be entitled to be or remain a Pradhan of a Gaon Panchayat if he—

- (a) ceases to be a member of the Gaon Sabha; or
- (b) is unable to read and write Hindi or Urdu; or
- (c) is an undischarged insolvent; or

Disquali-
fications
for
Pradhan
of Gaon
Pancha-
yat.

(d) is a servant of Government or of any local authority; or

(e) is convicted of any offence under the Untouchability (Offences) Act, 1955, or of an offence involving moral turpitude, or ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1898.

15B. (1) A Pradhan, Up-Pradhan or member of a Gaon Panchayat may be removed at any time by the prescribed authority in the prescribed manner; if he—

Grounds on which Pradhan or Up-Pradhan or member of Gaon Panchayat may be removed.

(a) incurs any of the disqualifications mentioned in section 15A of this Act or in section 153 of the Delhi Land Reforms Act, 1954, as the case may be; or

(b) refuses to act or becomes incapable of acting; or

(c) without reasonable cause absents himself from three or more meetings of the Gaon Panchayat; or

(d) is, in the opinion of the prescribed authority, guilty of misconduct in the discharge of his duties; or

(e) is, in the opinion of the prescribed authority, found to have encroached upon the Gaon Sabha land; or

(f) is, in the opinion of the prescribed authority, undesirable in the public interest to be continued in office; or

(g) has, in the opinion of the prescribed authority, acted against the interest of the Gaon Sabha or Gaon Panchayat; or

(h) disobeys any lawful order or direction issued by any court, prescribed authority or competent officer under this Act or any other law for the time being in force; or

(i) has caused financial loss, waste or misappropriation of any money or property belonging to the Gaon Sabha or Gaon Panchayat, by neglect or misconduct in the performance of his duties.

(2) Any person who has been removed from his office by the authority referred to in sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the Chief Commissioner who may, in the manner prescribed, modify, set aside or confirm the order of removal.

(3) The order of removal passed by the said authority shall not take effect before the period during which an appeal may be preferred under sub-section (2) has expired.

(4) An order passed by the Chief Commissioner on appeal shall be final and shall not be called in question in any court. 5

(5) Where an appeal has been preferred under sub-section (2), the Chief Commissioner may stay the operation of the order of the said authority till the appeal is disposed of.

(6) A Pradhan, Up-Pradhan or member removed under clauses (b) to (i) of sub-section (1) shall not be eligible for re-election as a Pradhan, Up-Pradhan or member for a period of three years from the date of the order of removal."

3. In section 18, clause (r) shall be omitted.

4. In section 19,—

(a) in clause (g), for the words "Panchayati Adalat", the words "nyaya panchayat" shall be substituted

(b) in clauses (k) and (t) for the words "District Board" wherever they occur, the words "Municipal Corporation of Delhi" shall be substituted.

5. In section 20, for the words "District Board", the words "Municipal Corporation of Delhi" shall be substituted. 20

6. For sections 29 and 30, the following sections shall be substituted, namely:—

Penalty
for caus-
ing loss,
waste or
misappli-
cation of
money or
property
of Gaon
Sabha
or Gaon
Pan-
chayat.

"29. (1) Every Pradhan, Up-Pradhan or member of a Gaon Panchayat or of any committee constituted under this Act shall be liable for the loss, waste or misapplication of any property belonging to the Gaon Sabha or the Gaon Panchayat, if such waste, loss, or misapplication is found to be a direct consequence of his neglect or misconduct in the performance of his duties as Pradhan, Up-Pradhan or member of a Gaon Panchayat or of any committee, as the case may be, and the prescribed authority may, after giving him an opportunity, by notice served in the manner provided for the service of summons in the Code of Civil Procedure, 1908, to show cause against it, direct him to make good the loss, waste or misapplication of the money or property: 35

3 of 1908.

Provided that no such person will be liable to be called upon to show cause by notice under this sub-section after the expiry of four years from the occurrence of such loss, waste or misapplication:

Provided further that any such person may be called upon to show cause as aforesaid during the said period of four years and proceeded with further, even if he has ceased to hold the respective office during this period. 40

(2) If the amount on account of the loss, waste or misapplication, as the case may be, is not made good within fourteen days from the expiry of the period of appeal prescribed under sub-section (3) or the date of decision in appeal, if any, whichever is later, the Collector, on the request of the prescribed authority, shall proceed forthwith to recover that amount as if it were an arrear of land revenue, and, after recovering the same, have it credited to the Gaon Sabha Area Fund.

(3) The person against whom an order under sub-section (1) is made may, within thirty days of the receipt of such order, appeal to the Chief Commissioner or to such officer as the Chief Commissioner may appoint in this behalf, and the appellate authority may, in such appeal, confirm, modify or reverse the order appealed from.

(4) Nothing in this section shall be deemed to debar the Gaon Panchayat or the prescribed authority or a person authorised by it in writing from instituting criminal proceedings against the person referred to in sub-section (1), if the circumstances of the case so warrant.

30. Every Pradhan, Up-Pradhan or member or servant of a Gaon Panchayat or any committee constituted under this Act shall be deemed to be a public servant."

Pradhan,
Up-
Pradhan,
members
and
servants
of Gaon
Pancha-
yat to be
public
servants.

7. In section 33, in clause (h) of sub-section (2), for the words "the District Board or any other local authority", the words "any local authority" shall be substituted.

8. For section 34, the following section shall be substituted, namely:—

"34. Where a Gaon Sabha desires to acquire any land to carry out any purpose of this Act, it shall first try to acquire the land by private negotiation and if the parties concerned fail to arrive at an agreement, such Gaon Sabha may make an application in the prescribed form to the requisite authority to acquire the land under the Land Acquisition Act, 1894, and the said authority may acquire such land for such Gaon Sabha.

Power to
acquire
land.

Explanation.—In this Chapter, the expression “land” includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth.”.

9. In section 38, in sub-section (1), the words “or by the Circle Panchayat, if any” shall be omitted. 5

10. For section 41, the following section shall be substituted, namely:—

Expenses
and reali-
sation
made by
nyaya
pancha-
yats,

“41. Subject to any rules made by the Chief Commissioner in this behalf,— 10

(a) the Gaon Panchayats shall allot funds for the performance by nyaya panchayats of their duties under the Delhi Panchayat Samitis and Nyaya Panchayats Act, 1966; and

(b) all sums realised by way of court fee or fine in any suit or criminal case disposed of by a nyaya panchayat shall be appropriated in the prescribed manner and to the prescribed extent by the Gaon Panchayats within the jurisdiction of the nyaya panchayat.”. 15

11. In section 43,— 20

(a) in sub-sections (2) and (3), for the word “pass” wherever it occurs, the word “adopt” shall be substituted;

(b) for sub-sections (4) and (5), the following sub-sections shall be substituted, namely:—

“(4) Subject to any rules made in this behalf, the budget so adopted shall, every year and not later than such date as may be prescribed, be submitted by the Gaon Sabha to the Panchayat Samiti which shall, after scrutiny, sanction the same within a period of two months of its receipt with such modifications, if any, as may be found necessary. 25 30

(5) In sanctioning the budget under sub-section (4), the Panchayat Samiti shall be governed by such general or special directions as the Chief Commissioner may, from time to time, issue in this behalf.

(6) If, for any reason, the Gaon Panchayat fails to present its budget estimate at the *kharif* meeting of the Gaon Sabha or its report on the expected receipts and expenditure at the *rabi* meeting, the prescribed authority may prepare the budget or the report, as the case may be, and lay the 35

same before the Gaon Sabha which may adopt it even in an adjourned meeting and the budget so adopted shall be submitted to the Panchayat Samiti for sanction under sub-section (4).

5 (7) If the Gaon Sabha fails to adopt the budget or report, within such period as may be prescribed, the prescribed authority shall certify the budget or report, as the case may be, as adopted and the budget so certified as adopted shall be submitted to the Panchayat Samiti for sanction under
10 sub-section (4).".

12. Chapter VI shall be omitted.

13. In section 84,—

(a) in clause (a), the words "or a Circle Panchayat" and "or Circle Panchayat" shall be omitted;

15 (b) in clause (b) the words "or a Circle Panchayat" shall be omitted;

(c) in clause (c), the words "or a Circle Panchayat" and "or Circle Panchayat" shall be omitted

20 (d) in clause (d), the words "or a Circle Panchayat" and "or Circle Panchayat" and the word "or" occurring at the end shall be omitted;

(e) in clause (e), for the words "Gaon Panchayat, Circle Panchayat or Panchayati Adalat.", the words "or Gaon Panchayat; or" shall be substituted;

25 (f) after clause (e), the following clause shall be added, namely:—

30 "(f) issue such orders and directions to any Gaon Sabha, Gaon Panchayat, Pradhan, Up-Pradhan or any member of Gaon Panchayat as may appear to be necessary for the purpose of this Act or the Delhi Land Reforms Act, 1954, or the rules framed thereunder, and it shall be the duty of the Gaon Sabha, Gaon Panchayat, Pradhan, Up-Pradhan or member, as the case may be, to forthwith carry out such orders and comply with such directions." Delhi Act 8 of 1954.

35 14. In section 85,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The prescribed authority may, on information received or on its own motion, by order in writing, suspend

the execution or further execution of a resolution or order passed or made under this Act or the rules framed thereunder by a Gaon Sabha, Gaon Panchayat or any member or officer or servant thereof, or prohibit the doing of any act which is about to be done, or is being done in pursuance or under cover of this Act or the rules framed thereunder or in pursuance of any sanction or permission granted by a Gaon Sabha or Gaon Panchayat in the exercise of its powers under this Act, if in its opinion such resolution, order or act is in excess of the powers conferred by law or contrary to the interests of the general public or Gaon Sabha or Gaon Panchayat or is likely to cause loss, waste or damage of funds or property of the Gaon Sabha, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, to encourage lawlessness or to cause injury or annoyance or obstruction to the public or to any class or body of persons or danger to human life or safety.”;

(b) in sub-section (2), for the words “Gaon Panchayat or Circle Panchayat”, the words “or Gaon Panchayat” shall be substituted;

(c) in sub-section (3), for the words “Gaon Panchayat or the Circle Panchayat”, the words “or Gaon Panchayat” shall be substituted.

15. In section 86, in sub-section (1), the words “or a Circle Panchayat” shall be omitted.

16. Section 87 shall be omitted.

17. In section 88,—

(a) in sub-section (1), the words “or a Circle Panchayat or a Panchayati Adalat” shall be omitted;

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) On the supersession of a Gaon Sabha or a Gaon Panchayat under sub-section (1), the following consequences shall ensue:—

(a) all members or panches of the Gaon Sabha or the Gaon Panchayat shall, from the date of notification, vacate their seats; and

(b) the funds and other property, if any, vested in the Gaon Sabha shall be disposed of in such manner as the Chief Commissioner may direct.”.

18. After section 90, the following section shall be inserted, namely:—

5 “90A. (1) If a Pradhan, Up-Pradhan or a member of a Gaon Panchayat who has been removed from office or whose resignation from office has been accepted fails on demand by the prescribed authority to hand over the charge of his office, he shall be punishable with imprisonment of either description which may extend to three months, or with fine, or with both.

Penalty for failure to hand over charge and cognizance of offence.

10 (2) No court shall take cognizance of an offence punishable under sub-section (1) save on complaint made by the prescribed authority.

(3) No court inferior to that of a magistrate of the first class shall try an offence punishable under sub-section (1).”

15 19. After section 92, the following section shall be inserted, namely:—

20 “92A. (1) Notwithstanding anything contained in this Act and the rules made thereunder, or any other law for the time being in force, a Gaon Panchayat on receiving a report or other information and after making such inquiry, as it thinks fit, may by order require within such period as may be specified in the order—

Power to require removal of encroachments, etc.

(a) the owner or occupier of any building or land to remove any encroachment on a public street or public place, or public drain; or

25 (b) the owner or occupier of any agricultural land to destroy Pohli or any other such harmful weed or pest from such land; or

30 (c) the owner or occupier as aforesaid to appear before it at a time and place specified in the order and to show cause against the removal or destruction.

(2) If the owner or occupier as aforesaid—

(a) fails to remove the encroachment or destroy the weed or pest and also fails to appear to show cause against the removal or destruction, or

35 (b) appears to show cause against such removal or destruction, but after making such further inquiry as it thinks fit, the Gaon Panchayat is of opinion that its order is just and proper,

the Gaon Panchayat may cause the encroachment to be removed, or, as the case may be, the weed or pest to be destroyed and may recover the cost of such removal or destruction from such persons.”.

20. In section 95, in sub-section (1), the words “or Circle Panchayat” shall be omitted. 5

21. In section 99, in sub-section (1), the words “or a Circle Panchayat” and “or Circle Panchayat”, wherever they occur, shall be omitted.

22. In section 100,—

(a) sub-section (1) shall be omitted; 10

(b) in sub-section (2), the words “or a Circle Panchayat” shall be omitted.

23. In section 101, for the words “District Board”, the words “Municipal Corporation of Delhi” shall be substituted.

24. In section 102, in sub-section (2),— 15

(a) clauses (ii), (vi) to (viii) and (xxi) to (xxv) shall be omitted;

(b) in clause (iii), the words “and Circle Panchayat” shall be omitted;

(c) in clause (v), for the words “Gaon Sabhas, Gaon Panchayats, Circle Panchayats and Panchayati Adalats”, the words “Gaon Sabhas and Gaon Panchayats” shall be substituted; 20

(d) in clause (xiv), the words “Circle Panchayats and Panchayati Adalats” shall be omitted;

(e) in clause (xvii), the words “or Circle Panchayats” shall be omitted; 25

(f) for clause (xxi), the following clause shall be substituted, namely:—

“(xxi) the issue and service of notices by Gaon Panchayats;”;

(g) for clause (xxvi), the following clause shall be substituted, namely:—

“(xxvi) the allotment by Gaon Panchayats of funds for the performance by the nyaya panchayats of their duties and the extent to which fees and fines paid to nyaya panchayats may be appropriated by Gaon Panchayats;”;

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(h) in clause (xxvii), the words "the District Board or" shall be omitted;

(i) in clause (xxviii), the words "or for Circle Panchayats" shall be omitted;

5 (j) in clause (xxxiv), the words ", Circle Panchayat" shall be omitted;

(k) in clause (xxv), the words "or Circle Panchayat" shall be omitted;

10 (l) in clause (xxvii), the words "Circle Panchayats, Panchayati Adalats," shall be omitted;

(m) in clause (xxviii), the words "and Panches of Circle Panchayats" shall be omitted.

25. In section 103, the words "or a Circle Panchayat" and "or Circle Panchayat" shall be omitted.

15 26. Section 105 shall be omitted.

27. The Schedule shall be omitted.

STATEMENT OF OBJECTS AND REASONS

On the 18th August, 1965, in reply to a Starred Question in the Lok Sabha, the important changes proposed in the administrative set-up of the Union territory of Delhi were indicated by the Government. It was then stated that the Block Samitis at present constituted in the rural areas of Delhi by executive orders would be converted into statutory bodies; that the law relating to nyaya panchayats would be brought in line with the model law suggested by the Study Group on nyaya panchayats, and that there would also be a Rural Area Advisory Committee with the Executive Councillor in charge of rural areas as the Chairman. This Bill has been brought forward to give effect to these changes.

2. The salient features of the Bill are as follows:—

(a) The Bill provides for the constitution of a Panchayat Samiti for each Block comprising specific contiguous Gaon Sabha areas in the rural areas of Delhi. The Panchayat Samiti will be responsible for the implementation of the community development programme in the Block in close association with Gaon Panchayats. Each Panchayat Samiti will consist of a President, Pradhans of Gaon Panchayats within the Block, members elected to the Municipal Corporation of Delhi, the Metropolitan Council of Delhi and the House of the People from constituencies or wards of which the Block forms a part and two women and four representatives of the Scheduled Castes chosen by the *ex-officio* members of the Samiti. The President will be elected by an electoral college consisting of the members of the Gaon Panchayats within the Block and all *ex-officio* members of the Panchayat Samiti. On the constitution of Panchayat Samitis, the Circle Panchayats functioning under the Delhi Panchayat Raj Act, 1954, will cease to exist.

(b) The Bill also provides for the establishment of a committee called the Rural Area Advisory Committee to advise the Administrator on all matters concerning the activities of Gaon Panchayats and Panchayat Samitis.

(c) The Bill also seeks to make comprehensive provisions for constituting nyaya panchayat circles, comprising two or

more villages in the rural areas of Delhi. There will be a nyaya panchayat for each Circle, whose membership shall include at least two women and one person belonging to Schedule Castes. The scheme embodied in the Bill envisages a system of administration of justice in which laymen would participate and ensures that justice would be available to the people in the rural areas within easy reach and without much expense or delay. On the establishment of nyaya panchayats, the Panchayati Adalats functioning under the Delhi Panchayat Raj Act, 1954, will cease to exist.

3. The more important provisions of the Bill are further explained in the Notes on Clauses.

NEW DELHI;

G. L. NANDA.

The 21st August, 1966.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 3/7/65-SR(R), dated the 23rd August, 1966 from Shri Jai Sukh Lal Hathi, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill to provide for the constitution of Panchayat Samitis and nyaya panchayats in the Union territory of Delhi and to make certain amendments in the Delhi Land Reforms Act, 1954, the Delhi Panchayat Raj Act, 1954, and for matters incidental thereto, recommends, under clauses (1) and (3) of article 117 of the Constitution, the introduction of the said Bill in and its consideration by the Lok Sabha.

Notes on clauses

Clause 3.—It is proposed to empower the Administrator to declare certain contiguous Gaon Sabha areas to be a Block and to alter the limits of any Block by including therein or excluding therefrom any Gaon Sabha area.

Clause 4.—This clause seeks to empower the Administrator to constitute for every Block a Panchayat Samiti which will be a body corporate.

Clause 5.—This clause provides that every Panchayat Samiti will consist of (i) a President, and (ii) Pradhans of Gaon Panchayats within the Blocks, members elected to the House of the People, the Metropolitan Council of Delhi and the Municipal Corporation of Delhi from constituencies or wards comprising any area of the Block, and (iii) two women, and four representatives of the Scheduled Castes, elected by the *ex-officio* members.

Clause 6.—The President of each Panchayat Samiti will be elected from amongst members of the Gaon Sabhas within the Block by an electoral college consisting of members of the Panchayat within the Block and the *ex-officio* members of the Panchayat Samiti. There will also be a Vice-President for each Panchayat Samiti who will be elected from among its members.

Clauses 8 to 10.—Clauses 8 and 9 prescribe the disqualifications for being elected or nominated as a member of the Panchayat Samiti or for continuing as a member thereof. Clause 10 provides that questions as to disqualifications of members will be decided by the prescribed authority.

Clause 13.—This clause provides for the constitution of six Standing Committees for every Panchayat Samiti to deal with subjects specified therein. Each Standing Committee will consist of the President of the Panchayat Samiti as the *ex-officio* member and Chairman and six other elected members. Power has been given to a Panchayat Samiti to constitute additional Standing Committees with the approval of the Administrator.

Clauses 17 to 20.—These clauses seek to enumerate the powers and functions of the Panchayat Samiti and those of its President and Vice-President.

Clause 22.—This clause enumerates the powers and functions of the Block Development Officer.

Clause 24.—This clause makes provision for the creation of posts of officers and other employees for the Panchayat Samiti.

Clause 25.—This clause provides for payment of allowances to the President, Vice-President and members of a Panchayat Samiti and its Standing Committees.

Clauses 26 and 27.—Clause 26 provides for the constitution of a Panchayat Samiti Fund and, according to clause 27, the Fund will consist of grants and loans made by Government, loans raised by the Panchayat Samiti, donations and other receipts.

Clauses 28 and 29.—These clauses deal with the preparation, adoption and approval of the budget for each financial year and the maintenance and audit of accounts of a Panchayat Samiti.

Clause 30.—This clause prescribes the procedure for convening a meeting to discuss a motion expressing want of confidence in the President or the Vice-President of a Panchayat Samiti.

Clause 31.—This clause enumerates the circumstances under which the President, Vice-President or other member of a Panchayat Samiti may be removed by the Administrator and makes provision for other incidental matters.

Clause 33.—This clause deals with the power of the Administrator to cancel or suspend any resolution of a Panchayat Samiti.

Clause 34.—This clause seeks to empower the Administrator to supersede a Panchayat Samiti under circumstances specified therein, dissolve any Standing Committee and direct the Panchayat Samiti to reconstitute a Standing Committee immediately thereafter.

Clause 37.—This clause makes provisions for submission by a Panchayat Samiti to the Administrator a report on its administration for each financial year and for consideration of that report by the Rural Area Advisory Committee.

Clause 44.—This clause empowers the Administrator to group two or more villages into a Circle and to establish a nyaya panchayat for each Circle for the disposal of simple cases in that area.

Clauses 45 and 50.—Clause 45 provides that a nyaya panchayat will consist of:—

(i) two members elected by every Gaon Panchayat in the Circle, and

(ii) two women, if no woman has been elected or one woman if only one woman has been so elected and one person belonging to the Scheduled Castes if no such person has been elected, to be co-opted by the members specified in (i) above.

Under clause 50, one-third of these members will retire on the expiration of every second year.

Clauses 47 and 48.—These clauses prescribe the qualifications for election or co-option of a member of nyaya panchayat and disqualifications for being chosen as and for being such a member.

Clauses 52 to 54.—Clauses 52 and 54 make provisions for election of sarpanch and up-sarpanch and vacation of office by them and clause 54 deals with the duties of a sarpanch and up-sarpanch.

Clause 56.—This clause provides for the appointment by the Administrator of a Secretary for one, two or more nyaya panchayats, for assisting the nyaya panchayats in the performance of their functions and also for performing such other functions as may be prescribed.

Clause 58.—This clause seeks to specify the suits which may be tried by a nyaya panchayat. Power has been conferred on the Administrator to increase the pecuniary jurisdiction of a nyaya panchayat in respect of such suits.

Clause 63.—This clause prescribes the period of limitation for every suit triable by a nyaya panchayat.

Clause 64.—This clause empowers a civil court to transfer to the nyaya panchayats after they are established suits triable by them and pending or filed before it. In view of clause 84 which seeks to prohibit the application of certain Acts like the Code of Civil Procedure and the Code of Criminal Procedure in the trial of suits or criminal proceedings by nyaya panchayats, it has been provided that the nyaya panchayats will try such suits afresh.

Clause 65.—This clause read with the Fourth Schedule enumerates the offences which are cognizable by a nyaya panchayat. The Administrator has been empowered to amend the Fourth Schedule either by adding to it or removing therefrom any offence triable by a nyaya panchayat.

Clause 69.—This clause prescribes a period of one year as limitation for criminal proceedings before nyaya panchayats.

Clause 70.—This clause seeks to place a limitation on the powers of punishment of a nyaya panchayat by providing that no nyaya panchayats will impose any sentence of fine exceeding Rs. 100 or a sentence of imprisonment, either substantively or in default of payment of fine.

Clause 71.—This clause seeks to empower the nyaya panchayats to let off, having regard to the circumstances of a case, any offender after admonition, instead of imposing any sentence of fine on him.

Clause 74.—This clause which is modelled on clause 64, empowers a criminal court to transfer to the nyaya panchayats after they are established criminal proceedings triable by them and pending or filed before it, and for fresh trial of such criminal proceedings.

Clause 75.—This clause provides that nyaya panchayats may, subject to such rules as may be made in this behalf, discharge its functions through benches consisting of not less than three members constituted by the Sarpanch.

Clause 76.—This clause, read with the Fifth and Sixth Schedules, prescribes the procedure to be followed by the nyaya panchayats in the trial of suits and offences.

Clause 80.—This clause seeks to enjoin upon the nyaya panchayats the duty of making, in the first instance, every endeavour to bring about an amicable settlement between the parties in every proceeding coming before them.

Clause 84.—This clause seeks to prohibit the application of the provisions of the Code of Civil Procedure, 1908, Code of Criminal Procedure, 1898, the Court Fees Act, 1870, and the Indian Evidence Act, 1872, to any suit or criminal proceeding before a nyaya panchayat.

Clauses 85 to 89.—These clauses make provisions for empowering the Chief Judicial Magistrate and the Senior Subordinate Judge to exercise judicial control over nyaya panchayats in respect of transfer of criminal proceedings, revision in civil and criminal cases and stay of further proceedings before nyaya panchayats.

Clause 95.—This clause provides that any decision of a nyaya panchayat, if it is not unanimous, will be in accordance with the opinion of the majority.

Clause 98.—This clause empowers the Administrator to authorise in consultation with the High Court exercising jurisdiction in relation to Delhi, a judicial officer or a special officer to inspect nyaya

panchayats and give guidance and training to them in performance of their duties.

Clause 101 and 102.—These clauses seek to empower the Administrator to remove a member of a nyaya panchayat and to dissolve any nyaya panchayat.

Clause 103.—This clause makes provisions in regard to disposal of civil and criminal proceedings pending before a nyaya panchayat at the time of its dissolution.

Clause 107.—This clause provides for the establishment of a Rural Area Advisory Committee consisting of the Executive Councillor in charge of rural development as the chairman, the members elected from the rural areas to the House of the People, the Metropolitan Council of Delhi and the Municipal Corporation of Delhi, all Presidents and Vice-Presidents of Panchayat Samitis and the Chairman of the Rural Areas Committee as and when such a committee is constituted by the Municipal Corporation of Delhi.

Clause 109.—This clause enumerates the functions of the Rural Area Advisory Committee.

Clause 112.—Clause (b) of section 153 of the Delhi Land Reforms Act, 1954, which provides that leprosy will be a disqualification for becoming or remaining a member of a Gaon Panchayat is proposed to be omitted.

Clause 113.—This clause, read with the Seventh Schedule, seeks to amend the Delhi Panchayat Raj Act, 1950, for abolishing the Circle Panchayats and Panchayati Adalats and for remedying defects and deficiencies noticed in the working of that Act.

Clause 114.—This clause makes necessary transitional provisions on the abolition of Panchayati Adalats.

Clause 117.—This clause enumerates the disqualifications arising out of election offences and empowers the Administrator to remove any disqualification or reduce the period of any such disqualification.

FINANCIAL MEMORANDUM

Clause 6(1) provides for the election of the President of a Panchayat Samiti by an electoral college consisting of the members of Gaon Panchayat; within the block and the *ex-officio* members of the Samiti.

Clause 27 provides that the Panchayat Samiti Fund will consist *inter alia* of:—

(i) grants for meeting the liabilities transferred by the Administrator to the Panchayat Samiti;

(ii) *ad hoc* grants from the Consolidated Fund of India;

(iii) grants for implementing schemes transferred by the Administrator and bodies or institutions for the development of cottage and village industries;

(iv) loans advanced by the Government.

Clause 56 empowers the Administrator to appoint a secretary to each nyaya panchayat and also to appoint the same person as secretary to two or more nyaya Panchayats.

Clause 108 empowers the Administrator to appoint a secretary to the Rural Area Advisory Committee.

Clause 110(4) makes provisions for payment of allowances to members of the Rural Area Advisory Committee for attending its meetings.

The expenditure involved in holding election of Presidents of Panchayat Samitis under clause 6 would be very negligible. It is intended that one of the existing officers of the Delhi Administration would be appointed as Secretary to the Rural Area Advisory Committee, in addition to his own duties and as such no expenditure would be involved on this account. There are at present 73 Panchayat Secretaries attached to 194 Gaon Panchayats and 23 Circle Panchayats' (Panchayati Adalats). The circle Panchayats (Panchayati Adalats) would cease to exist after Panchayat Samitis and nyaya panchayats are established. The existing staff would, however, be available for appointment as secretaries to nyaya panchayats and as such no extra expenditure would be involved under clause 56.

The various schemes under the community development programme are at present being implemented departmentally and for meeting expenditure thereon a provision of Rs. 4.31 lakhs has been made during the current financial year. It is intended that when the functions of implementing the community development programme are transferred to the Panchayat Samitis, the amounts already provided therefor, would also be placed at their disposal. However, this would not involve any additional expenditure. In the event of any additional liabilities or institutions being transferred to the Panchayat Samitis, it may become necessary to make suitable grants to these bodies but at this stage it is not possible to estimate the magnitude of such expenditure as it would depend on the liabilities or institutions that may be actually transferred. It is estimated that a recurring expenditure of 2,500 rupees per year would be involved on account of payment of allowances to members of the Rural Area Advisory Committee for attending its meetings.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 5(1), 6(1) and (2), 10(1), 13(3), 16, 17(4), 19, 20(6), 24(3), 25, 26, 28(1) and (2), 29(1) and (2), 30(2) and (3) and (12), 31(2), 32(2), 37(1), 42, 48(2), 49(1), 50(1), 52(1), and (2), 56(2), 67(2), 75(1), 79, 94, 97, 98(2), 106, 108, 110(1) and (4) and 111 of the Bill empower the Administrator to make rules in respect of matters specified in those clauses and also generally to carry out the purposes of the Act.

2. Clause 43 enables the Panchayat Samiti to make bye-laws for carrying out any of the purposes for which it is constituted subject to the previous approval of the Administrator and the rules made under clause 42(2) (xv).

3. The various matters referred to above in respect of which rules and bye-laws may be made are matters of procedure and administrative detail. The delegation of legislative power is thereunder clause 42(2) (xv).

S. L. SHAKDHER,

Secretary.

